



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.Nos.33728 of 2018 & 8495 of 2019
and
WMP Nos.39141 of 2018

1.G.Karunanithi (deceased)
2.K.Brindhavathi
3.K.Vijayalakshmi
4.K.Thiyagarajan ..Petitioners in Both WPs

[P2 to P4 are substituted as LR's of the deceased P1
(G.Karunanithi) as per Court order dt.09.12.2019 in Wmp
Nos.34144 & 34147 of 2019]

.Vs.

1.Sir.M.Ct.Muthiah Chettiar Boys
Higher Secondary School,
Rep.by Secretary School Committee,
23, Raja Annamalai Road,
Purasawalkam,
Chennai 600 084.

2.The Chief Educational Officer,
Panagal Maaligai,
Saidapet,
Chennai 600 015.

3.District Educational Officer,
Chennai North,
Egmore,
Chennai 600 008.

... Respondents
in W.P.No.33728 of 2018

1.Sir.M.Ct.Muthiah Chettiar Boys
Higher Secondary School,
Rep.by Secretary School Committee,
23, Raja Annamalai Road,
Purasawalkam,
Chennai 600 084.

2.The Chief Educational Officer,
Egmore,
Chennai 600 008.



3.District Educational Officer,
Chennai West
College Road,
Chennai 600 006.

... Respondents
in W.P.No.8495 of 2019

WEB COPY

Prayer in W.P.No.33728 of 2018:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to pay the petitioner full salary till the petitioner is allowed to retire .

Prayer in W.P.No.8495 of 2019:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the 2nd respondent in Na.Ka.No.5874/E4/218 dated 25/02/2019 quash the same and direct the respondents to pay the petitioner's retirement benefits.

For Petitioner : Mr.D.Jayasingh
(in Both Wps)

(W.P.No.33728/2018)

For R 1 : Mr.T.Madhusudhan Reddy

For R 2 & R 3 : Mrs.V.Annalakshmi
Government Advocate

(W.P.No.8495/2019)

For R 1 to R3 : Mrs.V.Annalakshmi
Government Advocate

COMMON ORDER

The petitioners are the legal representatives of one G.Karunanathi, who was originally the petitioner in both the above writ petitions and who died during the pendency of these writ petitions and the petitioners were substituted in his place.

2.The deceased petitioner was working as a Lab Assistant in the 1st respondent school. During the year 2016, the Secretary of the school suspended the deceased petitioner from service. The deceased



petitioner was due to retire from service on 30.04.2018. However on 27.04.2018, the 1st respondent suspended the deceased petitioner from service and passed an order stating that his services are extended. The same became a subject matter of challenge in W.P.No.33728 of 2018, and the deceased petitioner had approached this Court seeking for a direction to the 1st respondent to pay the full salary till he is allowed to retire.

3.The deceased petitioner had filed W.P.No.8495 of 2019, challenging the impugned order passed by the 2nd respondent permitting the deceased petitioner to retire from service from 01.05.2018, and making him eligible only for provisional pension.

4.During the pendency of the above writ petitions, the above said G.Karunanithi expired and in his place the present petitioners were substituted. By virtue of the death of G.Karunanithi, the entire criminal proceedings and the disciplinary proceedings will stand abated and the petitioners will be entitled to claim all the benefits to which the deceased G.Karunanithi was entitled.

5.Heard Mr.D.Jayasingh, learned counsel appearing for the petitioner and Mr.T.Madhusudhan Reddy, learned counsel appearing for the 1st respondent and Mrs.V.Annalakshmi, learned Government Advocate appearing for the respondents 2 and 3.

6.In view of the subsequent development and considering the facts and circumstances of the case, the petitioners are directed to make a representation to the 1st respondent seeking for the settlement of the entire dues that are payable to the deceased G.Karunanithi. On receipt of the representation, the 1st respondent is directed to settle the entire dues to the petitioners within a period of eight weeks thereafter.

Both the writ petitions are disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

KP



To

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Chennai North,
Egmore,
Chennai 600 008.

+1cc to Mr. D. Jayasingh, Advocate SR.No.102813

W.P.Nos.33728 of 2018 & 8495 of 2019

EV(CO)
GMY(21/01/2020)