

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 25.08.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.7520 of 2013

P.John Rose

.. Petitioner

- Vs -

The Chief Executive Officer,
Tamil Nadu Khadi and Village Industries Board,
Kuralagam, Chennai 600 108. .. Respondent

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Certiorarified Mandamus , calling for the records of the respondent, especially the proceedings made in Rc.No.15671/Pen-3/2008, dated 22.12.2011, the compliance order made in W.P.No.15570/2009 dated 22.09.2011, in so far as the offending portion for recovery to the tune of Rs.36,614/- and quash the same as null and void, illegal and invalid and consequently, directing the respondent to disburse to the petitioner the sum recovered from his retiral benefits with interest at the rate of 24% per annum from 01.06.2008 to upto date of disbursement in full together with compensatory costs.

For Petitioner : M/s. A.Amalraj

For Respondent : M/S.S.K.Bose

ORDER

The petitioner filed this writ petition challenging the recovery order dated 29.12.2011 in so far as the offending portion for recovery to the tune of Rs.36,614/- and quash the same as null and void, illegal and invalid and consequently, directing the respondent to disburse to the petitioner the sum recovered from his retiral benefits with interest at the rate of 24% per annum from 01.06.2008 to upto date of disbursement in full together with compensatory costs.

2. When the matter is taken up today, learned standing counsel appearing for the respondent submitted that the petitioner's husband, viz., Jamprose passed away on

22.12.2013 and on humanitarian ground the impugned recovery amount of Rs.36,614/-, which was recovered vide proceedings Na.Ka. NO.2396/2013/K1 dated 02.05.2008, was disbursed in favour of the petitioner's wife, viz., Nesabai on 28.11.2016. Hence, the prayer sought for in the petition has become infructuous and, accordingly he prays this Court to close the writ petition.

3. On the above submission, learned counsel for the petitioner submits that he has no instructions from the petitioner to report to the Court.

4. Recording the submission made by the learned standing counsel appearing the respondent, nothing survives for further adjudication. Accordingly, this writ petition stands dismissed as infructuous. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

jrs
To

The Chief Executive Officer,
Tamil Nadu Khadi and Village Industries Board,
Kuralagam, Chennai 600 108.

Jrs

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pvs co
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