

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.18290 of 2011

G.Dhakshinamoorthy

..Petitioner

-Vs-

1.State rep.by the Principal Secretary to the Government
Home Department, Secretariat, Chennai 600 079.

2.The Director General of Police
Mylapore, Chennai - 600 004.

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to consider the representation dated 08.11.2010 in terms of the judgment of the Division Bench of the Honourable Court in W.P.No.38972 and 38793 of 2003 dated 10.09.2007 which was followed in W.P.No.25373 of 2010.

For Petitioner :Mr.K.Muthuramalingam
For Respondents :Mr.K.Magesh,
Special Government Pleader

O R D E R

The prayer sought for herein is to direct the respondents to consider the representation dated 08.11.2010 in terms of the judgment of the Division Bench of the Honourable Court in W.P.No.38972 and 38793 of 2003 dated 10.09.2007 which was followed in W.P.No.25373 of 2010.

2. Though the petitioner seeks for a writ of Mandamus to consider his representation dated 08.11.2010, where he sought for some restoration of seniority retrospectively, when the case is taken up for hearing today, learned counsel for the petitioner would submit that, during the pendency of the writ petition, the petitioner expired.

3. Since the very petitioner is no more and at the time of filing of the writ petition, he has already retired on attaining superannuation, even if the legal heirs come forward to pursue the matter, nothing is to be persuaded by the legal heirs, since

it is restoration of seniority retrospectively for the petitioner (deceased) and that kind of service dispute cannot be agitated by the legal heirs. Therefore, in view of the same, this writ petition can be treated as an abated one and accordingly it can be disposed of.

4. In that view of the matter, this writ petition is dismissed as abated, as no further relief can be granted even if the legal heirs are impleaded. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

KST
To

1.The Principal Secretary to the Government
Home Department, Secretariat,
Chennai 600 079.

2.The Director General of Police
Mylapore, Chennai - 600 004.

+1 Cc to Mr.K.Muthuramalingam, Advocate sr 9132.

+1 CC to The Government Pleader sr 9223.

W.P.No.18290 of 2011

NRL (CO)
SP(04/03/2021)

सत्यमेव जयते

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