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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2021

CORAM

THE HON'BLE Mr.JUSTICE M.SUNDAR

W.P.No.29411 of 2008

and

M.P.No.1 of 2008

N.Mahalingam
E-Type, II Bock
T.N.E.B. Quarters
Emerald Post,
Udhagamandalam,
The Nilgiris.

... Petitioner

-Vs.-

1.The Tamil Nadu Electricity Board
Annasalai
Chennai-600 002.
Rep. by its Chairman-cum-Managing Director

2.Superintending Engineer
Generation Circle/Kundah
Kundah Bridge Post,
The Nilgiris.

3.The Executive Engineer
Power House/Kundah
Kundah Bridge Post,
The Nilgiris.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent pertaining to his proceedings in Memo No.032252/125/A.mn.1/A.3/F.Dkt/2008 and quash the said order dated 24.11.2008 and consequently, direct the respondent to permit the petitioner to retire from service along with all his service benefits which appropriate interest for the delayed payment of service benefit.

For Petitioner : No appearance

For Respondents : Mr.Shelton D. Durairaj
for Mr.P.Subramanian



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O R D E R

Read this in conjunction with and in continuation of earlier proceedings made in previous listings on 02.08.2021, 09.08.2021 and 10.08.2021, which read as follows:

Proceedings dated 02.08.2021:

'There is no representation for the writ petitioner though the name of the writ petitioner and the writ petitioner's counsel are duly shown in the cause list. However, Mr.N.Desinghu, learned counsel, who has joined this Virtual Court, submits that Mr.P.Subramanian, learned counsel has now been appointed as Standing Counsel for erstwhile 'Tamil Nadu Electricity Board' ('TNEB' for brevity) now TANGEDCO. Learned counsel requests that the name of the new Standing Counsel for respondents may please be shown in the cause list.

2. With the intention of giving opportunity to the writ petitioner / writ petitioner's counsel captioned writ petition is adjourned by a week. Owing to the submission on behalf of new Standing counsel for TANGEDCO (erstwhile TNEB), Registry to show the name of new Standing Counsel from next listing.

List under the same cause list caption on 09.08.2021.'

Proceedings dated 09.08.2021:

'Read this in conjunction with and in continuation of earlier proceedings made in previous listing on 02.08.2021, which reads as follows:

'Proceedings dated 02.08.2021

There is no representation for the writ petitioner though the name of the writ petitioner and the writ petitioner's counsel are duly shown in the cause list. However, Mr.N.Desinghu, learned counsel, who has joined this Virtual Court, submits that Mr.P.Subramanian, learned counsel has now been appointed as Standing Counsel for erstwhile 'Tamil Nadu Electricity Board' ('TNEB' for brevity) now TANGEDCO. Learned counsel requests that the name of the new Standing Counsel for respondents may please be shown in the cause list.

2. With the intention of giving



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opportunity to the writ petitioner/writ petitioner's counsel captioned writ petition is adjourned by a week. Owing to the submission on behalf of new Standing counsel for TANGEDCO (erstwhile TNEB), Registry to show the name of new Standing Counsel from next listing.

List under the same cause list caption on 09.08.2021.'

2. The position is no different today. In other words, there is no representation for the writ petitioner though the name of the writ petitioner and writ petitioner's counsel are duly shown in the cause list, but Mr.P.Subramanian, learned Standing counsel for erstwhile TNEB (now TANGEDCO) is before this virtual Court on behalf of all the three respondents. With the intention of giving further opportunity to writ petitioner/writ petitioner's counsel, list this matter tomorrow.

List on 10.08.2021.'

Proceedings dated 10.08.2021:

'Read this in conjunction with and in continuation of earlier proceedings made in previous listing on 09.08.2021.

2. A perusal of earlier proceedings dated 09.08.2021 makes it clear that this is the third successive/consecutive listing, in which there is no representation for writ petitioner [earlier two listings were on 02.08.2021 and 09.08.2021]. Therefore, list this matter under the caption FOR DISMISSAL day after tomorrow (12.08.2021).'

2. Pursuant to/owing to aforementioned trajectory, captioned matter is listed under the cause list caption 'FOR DISMISSAL' today. The position is no different today. In other words, there is no representation for writ petitioner today also. This means that there has been no representation for writ petitioner for four consecutive/successive listings.

3. To be noted, there is no representation for writ petitioner though the matter is listed under the cause list caption 'FOR DISMISSAL'.

4. Mr.Shelton D.Durairaj, learned counsel representing Mr.P.Subramaniam, learned standing counsel for respondents are before this Virtual Court.



5. In the light of the narrative thus far, this Court comes to the conclusion that the writ petitioner is not interested in pursuing the captioned matter. Therefore, captioned Writ Petition is dismissed for default. Consequently, connected miscellaneous petition being M.P.No.1 of 2008 is also dismissed for default. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

Sd/-
Assistant Registrar (CS-IX)

// True Copy//

Sub Assistant Registrar

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To

1. The Chairman-cum-Managing Director
Tamil Nadu Electricity Board
Annasalai, Chennai-600 002.
2. Superintending Engineer
Generation Circle/Kundah
Kundah Bridge Post,
The Nilgiris.
3. The Executive Engineer
Power House/Kundah
Kundah Bridge Post,
The Nilgiris.

+1cc to Mr.P.Subramanian, Advocate, S.R.No.40670

W.P.No.29411 of 2008

RSV(CO)
CT(03/09/2021)