



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2021

CORAM

THE HON'BLE MR. JUSTICE M.S.RAMESH

W.P.No.39600 of 2004

C.Karuppasamy (Deceased)
C.Ponnuthai

... Petitioner

(Petitioner substituted vide order dated 20.09.2021 made in
W.M.P.No.21354 of 2021)

Vs.

1.Union of India,
rep by its Secretary,
Ministry of Labour,
Shram Mandraliya,
New Delhi - 110 001.

2.The Managing Director,
Tamil Nadu Cements Corporation Limited,
LLA Building, 2nd Floor, Anna Salai,
Chennai - 600 002.

3.The General Manager,
Tamil Nadu Cements Corporation Limited,
Alangulam,
Virudhunagar District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorarified mandamus calling for the records connected with the impugned order passed by the 1st respondent in his Proc.No.L-29012/34/2003-IR (M) dated 18.11.2003 and quash the same and consequently direct the 1st respondent to refer the dispute for adjudication.

For Petitioner : Mr.R.Rengaramanujam

For Respondent : Mr.S.N.Parthasarathi (R1)
Mr.A.Sivaji (R2 & R3)

O R D E R

Pending Writ Petition, the petitioner had expired and is now represented by his legal heirs.



2.The grievance of the Writ Petitioner was that he was born on 05.06.1944, whereas, the respondents have treated his date of birth as 05.06.1934 and have pre-maturely retired him from service. If the date of birth had been taken as 05.06.1944, the petitioner would have reached the age of superannuation only in the year 2002.

3.Since the Writ Petitioner was not provided with any employment after his superannuation and also since he had reached the age of superannuation even prior to the filing of the Writ Petition and subsequently, had expired, no effective orders can be passed in the present Writ Petition, either for reinstatement or for extension of any other monetary benefits.

4.At this juncture, the learned counsel appearing for the petitioner would submit that the present Writ Petitioner, who is the widow of late C.Karuppasamy/petitioner, had given a representation dated 11.02.2020 to the respondents 2 & 3 seeking for compassionate appointment in favour of her son, Thiru.C.Tirupathi, followed by a remainder on 23.10.2020. Though the claim for compassionate appointment was not the prayer, this Court is of the view that ends of justice would be secured if the respondents are directed to consider the petitioner's request for compassionate appointment within a stipulated time.

5.In the light of the above observation, the Writ Petition stands closed. The petitioner is called upon to submit a copy of this order to the 2nd respondent. Thereafter, the 2nd respondent is directed to consider the petitioner's representation dated 11.02.2020, within a period of four months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

va
To

1.The Secretary,
Union of India,
Ministry of Labour,
Shram Mandraliya,
New Delhi - 110 001.



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2.The Managing Director,
Tamil Nadu Cements Corporation Limited,
LLA Building, 2nd Floor, Anna Salai,
Chennai - 600 002.

3.The General Manager,
Tamil Nadu Cements Corporation Limited,
Alangulam,
Virudhunagar District.

+1cc to Mr.R.Rengaramanujam, Advocate Sr.47773

+1cc to Mr.S.N.Parthasarathi, Advocate Sr.48390

W.P.No.39600 of 2004

pl[co]
srg 28/10/2021