

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.37449 of 2005
and
W.P.M.P.No.40132 and 40133 of 2005
and W.V.M.P.No.950 of 2006

N.S.Kumaraswamy Petitioner

-Vs-

The Joint Director of Handlooms
O/o Commissioner of Handlooms & Textiles
Kuralagam, Chennai 600 108. ... Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records of the respondent in connection with the impugned order passed by the respondent in Rc.No.845/2005/Q1-1 dated 13.6.2005 and quash the same and further direct the respondent to settle the retirement benefits due to the petitioner.

For Petitioner : Mr.M.Vignesh Raj
for M/s.M.Muthappan

For Respondent : Mr.K.Magesh,
Special Government Pleader

O R D E R

The prayer sought for herein is to call for the records of the respondent in connection with the impugned order passed by the respondent in Rc.No.845/2005/Q1-1 dated 13.6.2005 and quash the same and further direct the respondent to settle the retirement benefits due to the petitioner.

2.The petitioner was working as Handloom Officer at the respondent Department, against whom disciplinary proceedings was initiated, wherein a charge memo dated 13.06.2005 was issued. Challenging the said charge memo, this writ petition was filed.

3. When this writ petition was taken up for final hearing today, Mr.Magesh, learned Special Government Pleader appearing

for the respondent would submit that, the petitioner, during the pendency of this writ petition died on 19.09.2006 itself. Therefore, the disciplinary proceedings initiated against him through the impugned charge memo has become abated. Accordingly, a Government Order in G.O.(D) No.85 dated 30.11.2006 was issued and in view of the above, this writ petition can be disposed of.

4. I have heard the learned representing counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent, and have perused the materials placed on record.

5. In the said Government Order, in the operative portion, the following has been stated.

"4. Therefore, in accordance with the orders issued in the Government Order first read above, the Government hereby direct that the Disciplinary proceedings initiated against Thiru N.S.Kumarasamy, Handloom Officer (Under Suspension) in the reference second read above shall abate."

6. In view of the said development, where the petitioner is no more, the proceedings initiated against the petitioner has abated as per the Government Order issued in this regard. Therefore, recording the said development, this writ petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

KST

To

The Joint Director of Handlooms
O/o Commissioner of Handlooms & Textiles
Kuralagam, Chennai 600 108.

+1cc to he Government Pleader, SR.No.8052.

W.P.No.37449 of 2005

SSI (CO)
CSR 12.03.2021