



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.A(MD)Nos.1358 & 1359 of 2011

and

M.P(MD)Nos.3, 3, 4, 4, 5, 5, 6 & 6 of 2011

1.W.A(MD)No.1358 of 2011:-

P.Kalayanasundaram

... Appellant / Proposed Party

Vs.

1.T.Vasanth

... 1st Respondent/Writ Petitioner

2.The Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009.

3.The Director of Medical and
Rural Health Services, Teynampet,
Chennai - 600 006.

4.The Dean,
Government Rajaji Hospital,
Madurai - 20.

.... Respondents 2 to 4/
Respondents 1 to 3

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order, dated 20.04.2011 made in W.P(MD)No.8671 of 2009 on the file of this Court.

Prayer in WP(MD). 8671/ 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writs, orders or directions, in particular a WRIT OF MANDAMUS, directing the second respondent to include the petitioner to the panel list for promotion as office superintendent in Ref.No.26000/E2/3/2009 dated 17-4-2009.

For Appellant : Ms.Priya Ravi



For R - 1 : Mr.Niranjan S.Kumar

For RR 2 to 4 : Mr.M.Murugan,
Government Advocate.

2.W.A(MD)No.1359 of 2011:-

P.Kalayanasundaram ... Appellant / Proposed Party
Vs.

1.N.Chitra ... 1st Respondent/Writ Petitioner

2.The Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009.

3.The Director of Medical and
Rural Health Services, Teynampet,
Chennai - 600 006.

4.The Dean,
Government Rajaji Hospital,
Madurai - 20.

.... Respondents 2 to 4/
Respondents 1 to 3

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order, dated 20.04.2011 made in W.P(MD)No.8672 of 2009 on the file of this Court.

Prayer in WP(MD). 8672/ 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writs, orders or directions, in particular a WRIT OF MANDAMUS, directing the second respondent to include the petitioner to the panel list for promotion as office superintendent in Ref.No.26000/E2/3/2009 dated 17-4-2009.

For Appellant : Ms.Priya Ravi

For R - 1 : Mr.T.Pon Ramkumar

For RR 2 to 4 : Mr.M.Murugan,
Government Advocate.

COMMON JUDGMENT

**(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.)**

These Writ Appeals are preferred by the third party, who is not a party to the writ proceedings in W.P(MD)Nos.8671 & 8672 of 2009, dated 20.04.2011.



2.The appellant in both the Writ Appeals, viz., P.Kalayanarasundaram, died on 15.02.2020.

3.These Writ Appeals were filed by the deceased appellant on the ground that he was not impleaded as a party to the Writ Petitions. His grievance was that the seniority which existed right from 1998 was sought to be unsettled, which is violative of Rule 35(f) of the General Rules for Tamil Nadu State and Subordinate Service.

4.The learned Government Advocate appearing for the respondents 2 to 4 submitted that subsequently, the seniority of the appellant was fixed and he was promoted and now that the appellant himself was dead, the question of considering his seniority does not arise and submitted that nothing survives for adjudication in these Writ Appeals.

5.In fact, the learned Government Advocate appearing for the respondents 2 to 4 has produced a proceedings of the third respondent, dated 15.10.2020, wherein, the son of the appellant is considered for compassionate appointment for the post of Pharmacist.

6.In the light of the above, these Writ Appeals have become infructuous and the same are dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009.

2.The Director of Medical and
Rural Health Services, Teynampet,
Chennai - 600 006.

3.The Dean,
Government Rajaji Hospital,
Madurai - 20.

+1 CC to Mr.NIRAJAN S.KUMAR, Advocate (SR-1528[F] dated
21/01/2021)

+1 CC to Mr.T.PON RAMKUMAR, Advocate (SR-1448[F] dated 20/01/2021
)

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20.01.2021

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