



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A(MD)No.1562 of 2021

and

C.M.P(MD)No.6458 of 2021

M.Mahalingam

... Appellant / Writ Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Rural Development and Panchayat Raj Department (E1),
Secretariat,
Chennai - 9.
- 2.The Director of Rural Development and Panchayat Raj,
Panagal Building,
Saidapet,
Chennai - 15.
- 3.The Secretary,
Tamil Nadu Public Service Commission,
Anna Salai,
Chennai - 600 002.
- 4.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.
- 5.The Conservator of Forest,
O/o.The Conservator of Forest,
Trichy Circle,
J.K.Nagar, Tiruchirappalli.
- 6.The Block Development Officer,
Thuraiyur Panchayat Union,
Thuraiyur,
Trichy District.

... Respondents / Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 18.03.2021 made in W.P(MD)No.11493 of 2017 on the file of this Court.

Prayer in WP(MD)No.11493/2017:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus forbear the 4th respondent from taking any action to terminate the service of the



petitioner in pursuant to the order passed by the 3rd respondent in his Letter No.5912/PSD-B.4/2010 dated 24.02.2016 communicated to the petitioner only on 30.05.2016.

For Appellant : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates
For Respondents : Mr.P.Thilak Kumar
Standing Counsel for the Government

JUDGMENT

(Judgment of the Court was delivered by
M. DURAISWAMY, J.)

Challenging the order, dated 18.03.2021, passed in W.P(MD) No.11493 of 2017, the writ petitioner has filed the above Writ Appeal.

2.The appellant filed the Writ Petition to issue a Writ of Mandamus, forbearing the fourth respondent from taking any action to terminate the service of the petitioner, pursuant to the order passed by the third respondent, dated 24.02.2016.

3.It is brought to the notice of this Court that challenging the order, dated 24.02.2016, the appellant has also filed another Writ Petition in W.P.(MD)No.11279 of 2017 and the same is pending. Therefore, effectively the prayer sought for by the appellant is to issue a Writ of Mandamus, forbearing the fourth respondent from taking any action to terminate his service.

4.When the matter is taken up for hearing, Mr.P.Thilak Kumar, learned Standing Counsel for the Government appearing for the respondents submitted that the fourth respondent/the District Collector had already terminated the service of the appellant and therefore, the Writ Appeal has become infructuous.

5.Mr.C.Venkatesh Kumar, learned counsel appearing for the appellant also submitted that the service of the appellant has been terminated on 26.07.2021.

6.Since the service of the appellant has been terminated by the fourth respondent on 26.07.2021, the prayer sought for in the Writ Petition has become infructuous. Consequently, the Writ Appeal is also liable to be dismissed as infructuous. Accordingly, the Writ Appeal is dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petition is closed.

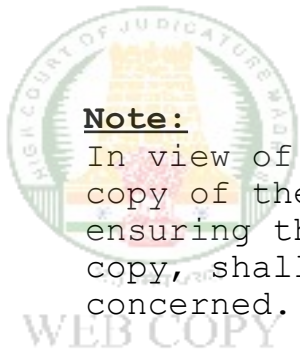
Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

To

- 1.The Principal Secretary,
Rural Development and Panchayat Raj Department (E1),
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Chennai - 9.
 - 2.The Director of Rural Development and Panchayat Raj,
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O/o.The Conservator of Forest,
Trichy Circle,
J.K.Nagar, Trichirappalli.
 - 6.The Block Development Officer,
Thuraiyur Panchayat Union,
Thuraiyur,
Trichy District.
- +1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-26031[F] dated 12/08/2021)

W.A(MD)No.1562 of 2021
11.08.2021

RS (19.08.2021) 3P 8C