



W.A.No.2507 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2023

CORAM

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR  
AND  
THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

**W.A.No.2507 of 2012  
and  
CMP.No. 3578 of 2018  
and M.P.No. 1 of 2012**

1. The Deputy Commissioner,  
Civil Supplies & Consumer Protection Department,  
Ezhilagam, Chepauk,  
Chennai – 600005.

2.The Assistant Commissioner,  
Civil Supplies & Consumer Protection Department,  
Ezhilagam, Chepauk,  
Chennai – 600005.

... Appellants

Vs.

1. M.P.Premkumar  
2.P.M.Basheer Ahamed, I.A.S.,  
3.P.Jebakani  
4.P.Kayalvizhi (Minor)  
rep. By her mother 3<sup>rd</sup> respondent)  
( R3 & R4 impleadd as respondents  
vide order of this Court dated 20.10.2021)

... Respondents

Writ Appeal filed under Section 15 of Letters Patent to set aside the order passed in W.P.No. 553 of 2012 dated 03.09.2012 on the file of this Court.

For Appellant : Mr.L.S.M. Hasan  
For Respondents : R1 – Died



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Mr. S.Anbazhagan – R3 & R4

### **JUDGMENT**

(Judgment of the Court was made by D.KRISHNAKUMAR, J.)

The challenge in the Writ appeal is against the order passed by the Writ Court directing the respondents/appellants herein to restore the services of the 1<sup>st</sup> respondent as a temporary office assistant, without wages for the period of non employment.

2. The 1<sup>st</sup> respondent/writ petitioner was appointed as Office Assistant on 01.12.2011 under Rule 10(a) (i) of Tamil Nadu State and Subordinate Services Rules, he was terminated from service by the 2<sup>nd</sup> appellant by order dated 19.12.2011 for the allegation that he has abstained from duty for a long time. Challenging the said termination order, the 1<sup>st</sup> respondent has filed writ petitioner, wherein the learned Single Judge has directed the respondents/appellants herein to restore the services of the 1<sup>st</sup> respondent as a temporary office assistant, without wages for the period of non employment. Hence, the present writ appeal by the appellant-Department.

3. The learned counsel appearing for the respondents 3 & 4 has submitted before this Court that the 1<sup>st</sup> respondent/writ petitioner died



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on 20.08.2018, therefore the legal heirs of the 1<sup>st</sup> respondent were impleaded as respondents 3 & 4 in the present writ appeal.

4. In view of the fact the 1<sup>st</sup> respondent/writ petitioner died, no further order can be passed in the present appeal filed by appellant department challenging the order passed by the learned Single Judge for restoration of appointment. Further, the appointment of the deceased employee was under Rule 10(a) (i) of Tamil Nadu State and Subordinate Services Rules, this Court cannot grant any relief to the legal heirs of the deceased 1<sup>st</sup> respondent.

5. In the above said circumstances, the writ appeal is dismissed as abated. No costs. Consequently, connected Miscellaneous Petitions are closed.

**(D.K.K.J. ) (K.G.T.J.)**  
**03.04.2023**

Speaking/Non Speaking order  
Index: Yes  
ak



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**D.KRISHNAKUMAR, J.  
AND  
K.GOVINDARAJAN THILAKAVADI, J.**

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To

1. The Deputy Commissioner,  
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