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W.P.No.22786 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2023

CORAM

**THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

W.P.No.22786 of 2012 &  
M.P.No.1 of 2012

1.M.Sampath Kumar (Deceased)  
2.S.Mani Bharathi  
3.S.Kavi Bharathi ... Petitioners  
P2 & P3 are substituted as Lrs of P1 as per order dated 08.11.2023 in  
WMP.No.33867 of 2012

Vs

1.The State of Tamil Nadu  
Rep., by its Secretary to Govt.,  
Health and Family Welfare Dept.,  
Secretariat, Chennai – 600 009.  
  
2.The Director of Public Health Preventive Medicine,  
Chennai – 600 006.  
  
3.The Deputy Director of Health Services,  
Thirupathur.  
  
4.The District Employment Exchange,  
Dharmapuri District.  
Dharmapuri ... Respondents

**PRAYER :-** Writ Petition filed under Article 226 of the Constitution  
of India, to issue a Writ of Certiorari to call for the records relating to

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the proceedings of the third respondent in R.No.160/A1/2011, dated 03.08.2012 and quash the same and to pass such further or other order.

For Petitioner : Mr.A.S.Saravanan

For Respondent : Mr.S.Ravichandran AGP

### **ORDER**

The Writ Petition had been filed challenging the show cause notice issued to the deceased petitioner as to why his services should not be terminated as not having been sponsored by the employment exchange.

2.An interim order had also been granted by this Court while admitting this Writ Petition on 22.08.2012 and the same reads as follows:-

*The show cause notice refers to the letter of the Government in Letter No.6484/N1/2011, dated 11.05.2011. In the said letter, the Government has directed the third respondent to terminate the services of the petitioner on the ground that the petitioner was not sponsored by employment exchange. But the learned counsel would submit that the petitioner was*

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*infact sponsored only by the employment exchange and for that he has produced the call letter by page 6 of the typed set of papers. In view of the same, there shall be an order of interim stay for a period of four (4) weeks.*

3. In view of the interim order granted by this Court, the petitioner had been continuing in services of the respondent till the date of his death on 10.09.2020. In view of the death of the petitioner, the person, the show cause notice cannot be thereafter proceeded with.

4. Therefore, the Writ Petition is disposed of with a direction to the respondents to disburse the benefits that would have been accrued to the deceased petitioner. Such exercise shall be made to the legal heirs of the deceased, who had been impleaded as the petitioners 2 and 3, within a period of twelve weeks from the date of receipt of a copy of this order. However there shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

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Index : Yes/No  
Speaking order : Yes/No  
Neutral Citations : Yes/No



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**K.KUMARESH BABU,J.**

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To

- 1.The State of Tamil Nadu  
Rep., by its Secretary to Govt.,  
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- 2.The Director of Public Health Preventive Medicine,  
Chennai – 600 006.
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Thirupathur.
- 4.The District Employment Exchange,  
Dharmapuri District.  
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