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W.P.No.28884 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2023

THE HON'BLE Dr.JUSTICE D.NAGARJUN

WP.No.28884 of 2012

S.Gabriel

...Petitioner

Vs

1.The Chief Educational Officer,
Elementary Education,
Trichy District, Trichy – 620 001.

2.The District Educational Officer,
Elementary Education,
Ariyalur District, Ariyalur – 621 704.

3.The Asst. Educational Officer,
Elementary Education,
Jeyamkondam – 621 802.

4.The Headmaster,
Panchayat Union Elementary School,
Gangaikondacholapuram – 627 352.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay simple interest at the rate of 18% for the delayed payment of Gratuity and arrears of pension of Rs.96096/- & Rs.78,393/- calculating with effect from the date of judgement dated 24.04.2006 given in W.P.No.38573/2005 and compound interest for the accrued amount with cost.



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For Petitioner : Mr.S.Ramaswamyrajarajan
For R1 to R3 : Mr.C.Kathiravan
For R4 : No appearance

ORDER

This Writ Petition is filed seeking for a direction to the respondents to pay simple interest to the petitioner at the rate of 18% for the delayed payment of Gratuity and arrears of pension of Rs.96096/- & Rs.78,393/- calculating with effect from the date of judgement dated 24.04.2006 given in W.P.No.38573 of 2005 and compound interest for the accrued amount with cost.

2.Mr.C.Kathiravan, learned counsel appeared on behalf of the respondents 1 to 3.

3.The learned counsel for the petitioner submits that in the year 2021, the petitioner has passed away and this Court earlier Vide order dated 22.08.2023 has directed to bring on record the legal representatives of the deceased petitioner. The learned counsel further submitted that in spite of making his best efforts, he could not get any response from the legal representatives of the deceased petitioner, there by unable to bring the legal representatives of the deceased petitioner on record.



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4. Considering the circumstances, since the petitioner is no more and the legal representatives are not interested to prosecute the writ petition, the cause does not survive for the time being, and therefore, the Writ Petition is dismissed for default. However, if the legal representatives of the deceased petitioner show some interest in the future to prosecute the case, they are at liberty to file appropriate application. No costs.

03.10.2023

Index : Yes/No

Internet : Yes/No

Tsg/mjs

To:

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D.NAGARJUN, J.,

Tsg/mjs

Order made in
W.P.No.28884 of 2012

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