



W.A.No.1231, 1232 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.A.Nos.1231 and 1232 of 2016

In both Writ Appeals

The Aruna Sugars Higher School,
rep. by its Secretary, Eraiyur, Pennadam,
Cudalore District.

... Appellant

Vs.

1. Durai Ezhilan (deceased)
2. The Joint Director of School Education,
(Higher Secondary), DPI Campus,
College Road, Chennai 600 006.
3. The Tribunal (I Assistant City Civil Court),
Chennai. (3rd respondent is given up)
4. Gnanajothi, w/o Durai Ezhilan
5. Panbzhagi, d/o Durai Ezhilan
6. Eazhilan Silambu Selvan, s/o Durai Ezhilan

...Respondents 1 to 3

(Respondents 4 to 6 substituted as legal representatives
of the deceased first respondent, vide court order dated 11.08.2021,
passed in CMP Nos.10888 & 10892 of 2021 in W.A.No.1231,1232/2016)

... Respondents 4 to 6



W.A.No.1231, 1232 of 2016

Prayer in W.No.1231 of 2016: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 03.08.2016 passed in W.P.No.2511 of 2011 on the file of this Court.

Prayer in W.No.1232 of 2016: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 03.08.2016 passed in W.P.No.2510 of 2011 on the file of this Court.

In both Writ Appeals

For Appellant : Mrs. Hema Sampath, Senior Counsel
for Ms.R.Meenal

For Respondents : R1- Died

Mr.P.Anandakumar,
Additional Government Pleader for R2

R3- Tribunal

Mr.V.Karthic, Senior Counsel
for Mr.A.E.Ravichandran
for R4 to R6

COMMON JUDGMENT

D.KRISHNAKUMAR, J.

Challenging the Common Order passed by this Court in W.P.No.2510 of 2011 and 2511 of 2011 dated 03.08.2016, these Intra Court Appeals have been filed to set aside the above common order and consequently upheld the order of dismissal dated 13.03.2014 passed by this appellant/School Committee against the



W.A.No.1231, 1232 of 2016

first respondent/ writ petitioner.

WEB COPY

2. The facts and circumstances of the cases and the issues involved in both the Writ Appeals are inter-connected with each and hence, they are tagged together for joint disposal.

3. The facts in brief, which leading to file the instant appeals are as follows.

The first respondent herein was working as Head Master in the appellant's School, namely Aruna Sugars Higher Secondary School and he was dismissed from service by the School Committee on 13.03.2004. Challenging the dismissal order, he preferred the Statutory Appeal before the second respondent herein, namely Joint Director of School Education. The second respondent, vide order dated 02.07.2008, remanded the matter to the School Committee for awarding appropriate punishment to him, inter-alia holding that the punishment of dismissal from service is not appropriate. Challenging the above order, the first respondent herein/Writ Petitioner had preferred an Appeal in CMA No.66 of 2009, whereas, the Appellant herein/Management of the School had preferred an Appeal in CMA No.131 of 2009 before the I Assistant Judge, City Civil Court, Chennai. The learned Judge, vide common order dated 30.10.2010, has dismissed the Appeal filed by the first respondent herein/ Writ petitioner and allowed the Appeal filed by the appellant herein/School Management, confirming the order of dismissal and



W.A.No.1231, 1232 of 2016

ordered to recover the salary paid to him, from his retirement benefits.

WEB COPY

4. In the meanwhile, the appellant herein filed a suit in O.S.No.161/2014 before the Principal Subordinate Judge, Virudachalam to declare that the sale deeds executed in favour of the writ petitioner, his wife and son as null and void and for recovery of possession. Pending suit, the defendants therein, including the writ petitioner, filed an application in I.A.No.246/2013 for re-opening the examination of some witnesses. However, the above application was dismissed by the learned Judge, vide order dated 23.09.2013. Therefore, challenging the above order, the writ petitioner and two others, filed a Revision in CRP No.624 of 2014 before this Court.

5. Since all the matters i.e., W.P.Nos.2510 and 2511 of 2011 and CRP No.624 of 2014 are inter connected with each other, the matters were tagged together. This Court, vide common order dated 03.08.2016, allowed the writ petitions in W.P.Nos.2510 and 2511 of 2011, by setting aside the impugned order passed by the I Assistant Judge, City Civil Court, Chennai and also directed the School Management as well as the official respondents to pay all the terminal benefits, which the writ petitioner is entitled to, forthwith, with interest at the rate of 6% per annum. Further, this Court disposed the CRP No.624 of 2014, directing the concerned Judge to dispose O.S.No.161/2004 within a time frame.



W.A.No.1231, 1232 of 2016

WEB COPY

6. Challenging the above common order passed by this Court in W.P.No2510 and 2511 of 2011 dated, 03.08.2016, the present Intra Court Appeals have been preferred by the School Management, raising several grounds.

7. Heard the learned Senior Counsel for the appellant and the learned Additional Government Pleader appearing for the second respondent and the learned Senior Counsel appearing for the respondents 4 to 6.

8. When the matter is taken up for final hearing, it is informed by the learned counsel for the appellant that pending appeals, the first respondent /writ petitioner passed away on 11.06.2019 and his legal heirs were impleaded as respondents 4 to 6, vide order dated 11.08.2021 passed in CMP Nos.10888 and 10892 of 2021.

9. A perusal of the records shows that the writ petitioner/first respondent herein was suspended from service on 27.04.2002 and subsequently dismissed from service on 13.03.2004. Challenging the suspension and dismissal order, he filed many Writ Petitions and Writ Appeals before this Court. Finally, he filed the Writ Petitions in W.P.No.2510 and 2511 of 2011 and obtained decree in his favour



W.A.No.1231, 1232 of 2016

on 03.08.2016. However, in view of the present Writ Appeals, he had not enjoyed the fruits of decree and pending appeals he also died on 11.06.2019. It is to be noted that, pending writ petitions, the writ petitioner attained the age of superannuation. The Writ Court has elaborately discussed the matter and considering all the facts and circumstances of the case and also taking into account the factum of attaining the age of superannuation by the writ petitioner, has not inclined to remand the matter back to the management of the school to conduct enquiry afresh; and has issued direction to the appellant herein and the official respondents to pay the terminal benefits to the writ petitioner.

10. In such circumstances, we are of the considered view that, since the writ petitioner/first respondent herein died pending Writ Appeals, the entire enquiry proceedings against him has become abated. Hence, we inclined to direct the appellant and the official respondents to pay the terminal benefits to the legal heirs of the writ petitioner/first respondent herein, namely respondents 4 to 6.

11. Accordingly, the appellant and the official respondent/2nd respondent are directed to pay all the terminal benefits of the deceased writ petitioner/first respondent herein to his legal heirs, namely, the respondents 4 to 6, as per the Rules of the School Management, along with interest at the rate of 6% per annum from the date of disposal of the order passed by the Tribunal, within 12 weeks from the



W.A.No.1231, 1232 of 2016

date of receipt of a copy of this order.

WEB COPY

12. With the above direction, the Writ Appeals in W.A.No.1231 and 1232 of 2016 stands disposed of. No costs.

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

07.03.2023

Speaking/Non Speaking order
Index: Yes/no
mst

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

mst



WEB COPY



W.A.No.1231, 1232 of 2016

W.A.Nos.1231 and 1232 of 2016

07.03.2023