



W.P.(MD)No.8653 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.8653 of 2018
and
W.M.P.(MD).No.8119 of 2018

M.R.Pandi

... Petitioner

Vs.

- 1.The Joint Registrar of Co-operative Societies,
Madurai Region,
Madurai.
- 2.The Deputy Registrar of Co-operative Societies,
Madurai.
- 3.The President / Manager,
A3099, Tamil Nadu Government Transport
Workers Co-operative Stores,
No.27, By-Pass Road,
Pasumpon Nagar,
Palanganatham,
Madurai-3.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents



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to allow the petitioner to work as Packer in the third respondent society up to the age of 60 years with all benefits.

For Petitioner : Mr.S.Sivakumar
For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to allow the petitioner to work as Packer in the third respondent society up to the age of 60 years with all benefits.

2. The learned counsel appearing for the petitioner would submit that he has already given change of vakalat to the parties and reported that no instruction from his client.

3. Considering the fact that this writ petition is pending before this Court from the year 2018 onwards, this Court is inclined to dispose of this matter, based on the available records.



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4. A perusal of the records reveal that the petitioner has joined the service of the third respondent Society during the year 1985 as Packer on daily wage basis. Subsequently, his service was regularised on 01.02.1991 and he is working in the same post till date. While so, the third respondent informed that the petitioner has to retire on 30.04.2018, as if he has completed the age of 58 years on that date. However, the case of the petitioner is that he was born on 30.04.1960 and as such, he will attain the age of superannuation on 30.04.2020. Hence, he has made a representation to the respondents on 11.04.2018, requesting them to allow the petitioner to work in the third respondent Society up to the age of 60 years. But the same was not considered. Hence, the present writ petition has been filed.

5. The learned Government Advocate appearing for the respondents would submit that the petitioner died and the period of two years already over and hence, nothing survives in this writ petition for adjudication.



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6. The facts in the present case are not in dispute. Admittedly, the petitioner entered into service in the respondent Society in the year 1985 and he was informed that he attained the age of superannuation on 30.04.2018, whereas the petitioner claimed that he will attain the age of superannuation on 30.04.2020. If at all the petitioner has any claim, he has to file an application immediately. But, at the fag end, the petitioner has filed the present writ petition for enhancement of service period, which is not sustainable one. Further, the petitioner has passed away and no further order is necessary in this writ petition. Hence, this Writ Petition is closed. No costs. Consequently, the connected Miscellaneous Petition is closed.

27.02.2023

akv

To

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M.DHANDAPANI,J.

akv

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