



W.P.(MD)No.3417 of 2016

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.3417 of 2016

and

W.M.P(MD)Nos. 3011 & 3012 of 2016

S.V.Charry (Died)

1. V. Radha

2. V.Navinmitiran

... Petitioners

[The 1st and 2nd petitioners are substituted as per Order of this Court, dated 27.02.2023]

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Tourism and Culture Department,
Fort Saint George,
Secretariat, Chennai – 600 009.
Ex-Officio – The Chairman,
S.I.H.M.C.T. Society, Trichy.

2. The Director of Tourism,
Omanthurar Estate,
Wallajah Road,
Chennai – 600 002.



W.P.(MD)No.3417 of 2016

WEB COPY

3. The Principal and Secretary,
State Institute of Hotel Management,
and Catering Technology,
Thuvakudi, Trichy – 620 015.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorarified Mandamus*, calling for the records pertaining to the impugned order passed by the 3rd respondent in Ref. SIHM/L.Notice/Prl I/c/509, dated 19.12.2012, quash the same and consequently direct the respondents to give the retirement benefits, arrears of salary on account of higher pay, leave salary on personal efforts, cash on surrender leave and all other monetary benefits with 18% per annum for the delayed payment.

For Petitioner : Mr.P.Saravana Kumar

For R-1 & R-2 : Mr.R.Suresh Kumar
Additional Government Pleader

For R-3 : No appearance

ORDER

This writ petition is filed challenging the impugned order, dated 19.12.2012, whereby the respondents have paid excess amount of Rs.3,02,585/-. The petitioner is seeking consequential prayer to give retirement benefit arrears of salary on account of higher pay, leave salary, with 18% interest.



W.P.(MD)No.3417 of 2016

WEB COPY

2. Heard Mr.P.Saravana Kumar, learned counsel appearing for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader, appearing for the respondents 1 & 2. Perused the material documents available on record.

3. The petitioner was appointed as a Office Superintendent in the Food Craft Institute, Thuvakudi, Trichy on 16.07.1984. In the 7th Board of Governors Meeting on 14.10.1987, the post was redesignated as Administrative Officer vide proceedings, dated 11.10.1987 with the following conditions:

1.The post of Office Superintendent shall not be created in the future by the Institute.

2.There should not be any extra financial commitment to the Government.

4. After serving, the petitioner has attained superannuation and retired from service on 28.02.2010.



W.P.(MD)No.3417 of 2016

WEB COPY

5. The impugned order is the reply to the Legal notice issued by the petitioner. The reply to such notices cannot be treated as the impugned order and cannot be challenged under Article 226 of Constitution of India.

6. Pending writ petition, the writ petitioner died and the Legal heirs are continuing this litigation.

7. Therefore, this Court is of the considered opinion that the reply to the Lawyer notice cannot be treated as “impugned order”. Hence, this Court is not inclined to entertain this writ petition.

8. Accordingly, this writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes

27.02.2023
[2/2]

ksa



WEB COPY



W.P.(MD)No.3417 of 2016

To

1. The Secretary,
State of Tamil Nadu,
Tourism and Culture Department,
Fort Saint George,
Secretariat, Chennai – 600 009.
Ex-Officio – The Chairman,
S.I.H.M.C.T. Society,
Trichy.
2. The Director of Tourism,
Omanthurar Estate,
Wallajah Road,
Chennai – 600 002.



WEB COPY



W.P.(MD)No.3417 of 2016

S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No.3417 of 2016
[2/2]**

27.02.2023