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W.P.No.10518 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2024

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

W.P.No.10518 of 2015

K.Saraswathi

...Petitioner

-Vs-

- 1.The Additional Director
Land Survey Records Department,
Survey House, Chepauk,
Chennai -600005.
- 2.The Assistant Director
District Land Survey Records Department,
Kancheepuram.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No.A-1/5722/2010, dated 20.8.2011 and quash the same and consequently direct the respondents to sanction the petitioners husbands pension and disburse the death cum retirement benefits of the petitioners husband to the petitioner.

For Petitioner : M/s.Hema for Mr.C.Prakasam

For Respondents : Mr.V.Jeevagiridharan, AGP
[for R1 and R2]



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ORDER

The above writ petition has been filed to call for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No.A-1/5722/2010, dated 20.08.2011 and quash the same and consequently direct the respondents to sanction the petitioner's husbands pension and disburse the death cum retirement benefits of the petitioner's husband to the petitioner.

2. In the counter filed by the 1st respondent the following has been stated in Paragraph No.7 :-

7) It is submitted that the representation dated 22.08.2011 submitted by the husband of the petitioner, while he was alive. was under examination of the Government and however, as he expired on 01.11.2014, the Government examined the issue in the context of helping a deceased Government servant and issued orders in G.O. (2D). No. 163 Revenue SS-3(2) dated 24.06.2016, as follows, as a special case.



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(i) cancelling the orders of dismissal passed belatedly by the second respondent;

(ii) relaxing the rule 26, 27 and 28 of the Tamil Nadu State and Subordinate Services so as to extend the period of probation of the husband of the petitioner till 31.08.2011 i.e. the date of retirement;

(iii) instructing the second respondent to issue orders that the husband of the petitioner deemed to have completed the probation;

(iv) requesting the Commissioner of Survey and Settlement to instruct the appointing authority to issue orders to allow the husband of the petitioner to retire from service from 31.08.2011 in view of the reasons that the dismissal orders having been cancelled and the period of probation deemed to have been extended till 31.08.2011 and also to take necessary action to sanction all other benefits.



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3. In the light of the above, nothing survives for consideration in the above writ petition, since the relief sought for has already been granted.

4. Accordingly, the writ petition is dismissed as infructuous. No costs.

(shr)

13.06.2024

Index : Yes/No

Speaking / Non Speaking Order

Neutral Citation : Yes/No

To

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