



Writ Petition No.22890 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

CORAM

THE HONOURABLE DR.JUSTICE G.CHANDRASEKHARAN

Writ Petition No.22890 of 2011
& MP. No.2 of 2011

C.Thavamani

..Petitioner

vs.

1.The Assistant Director of Sericulture,
Udumalpet, Tirupur District.

2.The Regional Joint Director of Sericulture,
Erode.

3.The Director of Sericulture,
Salem-636 001.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent in and by his Proc.No.1527/B/2011 dated 26.09.2011 and to quash the same and forthwith disburse all the arrears due and payable to the petitioner based on such re-fixation in the selection grade and special grade of pay within the limited time frame as fixed by this Court.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.D.Gopal, GA

ORDER



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This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent in and by his Proc.No.1527/B/2011 dated 26.09.2011 and to quash the same and forthwith disburse all the arrears due and payable to the petitioner based on such re-fixation in the selection grade and special grade of pay within the limited time frame as fixed by this Court.

2.The petitioner challenges the proceedings of the first respondent in Proc.No.1527/B/2011 dated 26.09.2011, wherein, it was ordered to recover the excess amount already paid to the petitioner in the months of August and September 2011.

3. During pendency of the present Writ Petition, the petitioner died and it is now informed by the learned counsel for the petitioner that so far no steps have been taken to implead the legal heirs of the petitioner.

4. When the matter was taken up for hearing on 18.01.2024, it was represented that the deceased petitioner's wife has filed a petition in WP



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No.28231 of 2017 for identical relief that was sought for in the present Writ Petition and prayed for clubbing of both the matters.

5. Accordingly, this Court has directed the Registry to club WP.No.28231 of 2017 with the present Writ petition.

6. However, a note was put up by the Registry, stating that W.P No.28231 of 2017 was already disposed of on 11.03.2022 by this Court. A copy of the order passed in WP.No.28231 of 2017 was produced before me by the Registry. A reading of the said order shows that the petitioner's wife/Shanthi filed the similar Writ Petition challenging the recovery of the amounts from the family pension of the petitioner. While disposing of that Writ Petition, this Court directed the petitioner's wife/Shanthi to submit a fresh representation to the Assistant Director, Sericulture Department by 31.07.2022 and if the said representation being submitted, it was directed to be disposed of by following the procedure laid down in G.O.Ms.No.286, Finance (Pension) Department dated 28.08.2018.

7. The learned counsel for the petitioner is not able to inform as to



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whether the petitioner's wife/Shanthi submitted a fresh representation as directed in WP.No.28231 of 2017 and any orders passed thereon by the Authority concerned.

8. In view of the fact that the petitioner's wife has already taken up for the issue of recovery of excess amount paid to the petitioner and the petitioner is no more, nothing survives for consideration in this Writ Petition. The petitioner's wife/Shanthi had already filed the Writ Petition in WP.No.28231 of 2017 and also obtained the order therein and pursuant to the same, she has to work out her remedy. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

07.02.2024

Index : Yes/No
Speaking order: Yes/No
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G.CHANDRASEKHARAN, J



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