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Writ Petition No.11935 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

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THE HONOURABLE MR. JUSTICE BATTU DEVANAND

Writ Petition No.11935 of 2019

P.Gunasekaran(deceased)

2.G.Parthiban

3.G.Rajeswari

4.G.Janani

..Petitioners

(petitioners 2 to 4 were substituted as Lrs
of the deceased petitioner as per order
dated 03.07.2024, in WMP No.18250 of 2024
in WP.No.11935 of 2019 by MSKJ)

vs.

1.The Joint Registrar-Cum-Special Officer,
Kancheepuram District Consumer Cooperative Wholesale Stores Ltd.,
Kancheepuram.

2.The Managing Director,
Kancheepuram District Consumer Cooperative Wholesale Stores Ltd.,
93, Prakasam Salai,
Chennai-600 001

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 & 2 to regularize the petitioner's services, treating the suspension period from 08.03.2000 to 10.01.2003 as on duty, and to grant all the monetary benefits after fixing his pay and allowances as equal to that of those who joined



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alongwith him in 1984 with appropriate seniority, to pay the arrears arising due to the difference in pay and allowances to which the petitioner is entitled to in accordance with law besides all the retirement benefits due to the petitioner, at the earliest, within the time frame as fixed by this Court.

For Petitioners : Mr.S.Haja Mohideen Gisthi
For Respondents : Mr.S.Ravikumar, Spl GP for R1
Mr.L.P.Shanmugasundaram, for R2

ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 & 2, to regularize the services of the petitioner and to treat the suspension period from 08.03.2000 to 10.01.2003 as on duty, and to grant all the monetary benefits after fixing his pay and allowances as equal to that of those who joined alongwith him in 1984 with appropriate seniority, and also to pay the arrears arising due to the difference in pay and allowances to which the petitioner is entitled to, in accordance with law besides all the retirement benefits due him, at the earliest.

2.During the pendency of the Writ Petition, the Writ Petitioner died and his legal heirs were brought on record as the petitioners 2 to 4.



3. Heard the learned counsel for the petitioners and the learned Special Government Pleader appearing for the first respondent and the learned counsel appearing for the second respondent.

4. During the course of hearing, learned Special Government Pleader appearing for the first respondent, based on the averments made in the additional affidavit filed by the second respondent would submit that since the suspension of the deceased petitioner was done mistakenly, the suspension period from 07.08.2002 to 20.04.2003 was treated as duty period and the said period was regularized as per the proceedings dated 07.10.2015, issued by the second respondent and the charges levelled against the deceased petitioner were dropped by the respondents. He further submits that the respondent has settled the Gratuity and Earned leave amount to the petitioners, by issuing a Cheque bearing Nos.020821 & 020822 dated 22.07.2020, drawn on the Bank of Kancheepuram Dcc Bank Ltd., Tambaram, after adjusting the dues payable by the deceased petitioner.

5. The learned Special Government Pleader further submits that even after number of attempts, he could not get instructions from his clients, on



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the aspect of settlement of dues.

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6.However, considering the facts and circumstances of the case and also placing the additional affidavit filed by the second respondent on record, wherein, it is stated that all the amounts for which, the deceased petitioner is entitled has been already settled, in the considered opinion of this Court, no further adjudication is required in this Petition.

7.Accordingly, this Writ Petition is closed.

No costs.

28.10.2024

Index : Yes/No
Speaking order:Yes/No
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To

1.The Joint Registrar-Cum-Special Officer,
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Kancheepuram.

2.The Managing Director,
Kancheepuram District Consumer Cooperative Wholesale Stores Ltd.,
93, Prakasam Salai,
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BATTU DEVANAND, J



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