



WEB COPY

W.P.No.5722 of 2016



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.5722 of 2016

and

W.M.P.No.5070 of 2016

P.Kalaimany

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
Co-operation, Food & Consumer Protection Department,
Fort St.George, Chennai-09.
- 2.The Registrar of Co-operative Societies,
No.170, EVR Periyar High Road,
Kilpauk, Chennai-10.
- 3.The Additional Registrar of Co-operative Societies,
(Finance & Banking)
O/o.The Registrar of Co-operative Societies,
No.170, EVR Periyar High Road,
Kilpauk, Chennai-600 010.
- 4.The Regional Deputy Director of
Audit for Milk Co-operatives,
No.212, R.K.Mutt Road,
Mylapore, Chennai-600 004.

...Respondents



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Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the 3rd respondent in proceeding Na.Ka.No.73419/2015/Pa.U.3 dated 31.12.2015 and quash the same and consequently direct the respondents to count the period of service rendered by the petitioner in the Animal Husbandry Department as Junior Assistant from 16.06.1967 to 14.09.1970 as qualifying service and accordingly revise the pension and pensionary benefits and accordingly pay the arrears.

For Petitioner : No appearance
For Respondents :
(for R1 to R4) : M/s.P.Vijaya Devi, Govt. Advocate

ORDER

This Court had directed notice to the petitioner since the learned counsel earlier appearing for the petitioner had informed the Court that he had given a change of vakalat. Therefore, this Court had directed the Registry to issue a notice to the petitioner. The same was also attempted to be served on the petitioner. However, the Bailiff had returned the same on two occasions stating that the petitioner was unconscious. Therefore, by order dated 11.07.2024 this Court had passed the following orders:



"It is informed by Bailiff, Mr.Venkatesh, that what he meant by stating that the petitioner was unconscious is that he is totally bedridden and is not in a position to speak or comprehend people.

2. Therefore, the Registry is directed to take fresh notice to the petitioner returnable by 24.07.2024 with the following directions to the bailiff.

"The Bailiff is directed to inform the family members of the petitioner and ascertain as to whether they are interested in proceeding with the writ petition. In case, they are interested, he shall advise them to engage a counsel and in case, the family members are not interested in proceeding with the matter, he shall obtain remarks signed by the family members on the reverse of the notice. The bailiff shall get necessary proof of the relationship of such relative and confirm their identity by obtaining their Aadhar Card or other public documents. The bailiff is also directed to serve a copy of the writ petition on such relative of the



petitioner."

3. Post on 24.07.2024."

2. Pursuant to this order, the Bailiff has once again visited the petitioner's residence and has got an endorsement from his wife Sasikala on 23.07.2024 which reads as follows: *"Sir, my husband is ill and bedridden for past 6 months. We will not be able to continue with the case"*. The Bailiff has also obtained the Voter ID card of the said Sasikala.

3. In the light of the request and submission made by the petitioner's wife, the Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

24.07.2024

(shr)
Index : Yes/No
Speaking Order: Yes/No
Neutral Citation : Yes/No

To,



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