



WP.No.18394 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.N.MANJULA

WP.No.18394 of 2020
WMP.No.22782 of 2020

M.Arivazhagan

Petitioner

Vs

1. The District Collector, Nagapattinam

2. The Block Development Officer
Kuttalam, Nagapattinam

Respondents

Prayer:- This Writ Petition has been filed, under Article 222 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of 1st Respondent in proceedings Na.Ka.No.3015-2019-Uo.Va.9, dated 28.10.2020 and to quash the same and consequently to direct the Respondents to reinstate the Petitioner into service with entire back wages and benefits.

For Petitioner : Mr.M.Arivazhagan

For Respondents : Mr.T.Chezhian-AGP-R1
Mr.S.Arumugam, GA-R2

ORDER

1. This Writ Petition has been filed to issue a to issue a Writ of Certiorarified Mandamus, to call for the records on the file of 1st Respondent in proceedings Na.Ka.No.3015-2019-Uo.Va.9, dated 28.10.2020 and to quash the same and consequently to direct the Respondents to reinstate the Petitioner into service with entire back wages and benefits.



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2. The case of the Petitioner is that the Petitioner was working as a Secretary in Perumal Koil Village Panchayat, Kuthalam Panchayat Union and he had submitted a resignation letter dated 19.08.2013 and the same was accepted. However, the Petitioner, once again, gave a request, stating that he did not sent any such resignation letter and the said resignation letter was sent by some one else, by forging his signature and hence, he should be reinstated into service. In these circumstances, the Petitioner has filed a Writ Petition in WP.No.34267 of 2019, wherein by order dated, 10.02.2020, a direction was issued to the Respondents to conduct an enquiry. Subsequently, a detailed enquiry was conducted by the 1st Respondent and an enquiry report was submitted on 28.10.2020 with a finding that there is nothing to suspect the resignation letter dated 19.08.2013 and there is no evidence to show that the signature found in the said resignation letter is not that of the Petitioner. Further, it is found in the impugned order that the Petitioner had relinquished from Office for six years from 10.07.2013, without any information. The request of the Petitioner that reinstatement on the allegation that he did not sign the resignation letter has been rejected, through the impugned order. Challenging the said order, a Writ Petition has been filed, by seeking the relief as stated above.
3. This court heard the learned counsel on either side and considered their submissions and also carefully perused the materials placed on record.
4. During the pendency of this Writ Petition, the Petitioner himself died and the cause of action, seeking reappointment on the allegation that the resignation



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letter was not submitted by the Petitioner, is a personal right and it does not survive subsequent to the death of the Petitioner.

5. As the cause of action does not survive, this Writ Petition is dismissed, as abated. No costs. Consequently, the connected MP is closed.

14.02.2024

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Srcm

To

1. The District Collector, Nagapattinam
2. The Block Development Officer, Kuttalam, Nagapattinam



WEB COPY



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R.N.MANJULA, J.

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