

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2015

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Dr. JUSTICE P.DEVADASS

W.A.No.1245 of 2015
and
M.P.No.1 of 2015

1. Government of Tamil Nadu rep. by
the Secretary to Government,
Home (Prisons) Department,
Fort St. George, Chennai - 9.
2. The Inspector General of Prisons,
Thalamuthu Natarajan Maligai,
Egmore, Chennai - 8.
3. The Superintendent of
Central Prison, Palayamkottai,
Tirunelveli. Appellants

Vs.

A.Rathinasamy

... Respondent

Writ Appeal filed under Clause 15 of Letters Patent against
the order dated 07.11.2013 made in W.P.No.21935 of 2008.

W.P.No.21935 of 2008 : Petition filed under Article 226 of the
Constitution of India praying for the issuance of writ of
Certiorarified Mandamus calling for the records relating to G.O.
(2D) No.647, Home (Pri.II) Department, dated 3.10.2007 quash the
same and consequently direct the respondents herein to accord
sanction in the following terms: (i) The period from the date of

Petitioner reporting for duty on 24.6.71 to the normal date of superannuation, namely 30.6.1987 has to be treated as duty for calculating the pay qualifying service for pension only; (ii) Petitioner's pay has to be fixed notionally till Petitioner's normal date of superannuation on 30.6.1987 A.N., taking into account the revised scales of pay based on the Pay Commission recommendations and promotions, if any, given to his juniors in service, without payment of arrears, only for the purpose of arriving at the amount of pension payable to the petitioner; (iii) On the basis of pay fixed as indicated at (ii) above, the quantum of pension payable to petitioner from 1.7.1987 has to be calculated and accordingly pension sanctioned; (iv) Death-cum-Retirement Gratuity and other retiral benefits to be sanctioned on the basis of above quantum of pension and (v) sanction of encashment of Earned Leave and Leave on Private Affairs, if any, at Petitioner's credit.

For Appellants : Ms.A.Sri Jayanthi,
Special Government Pleader

For Respondent : Mr.K.S.Govinda Prasad

JUDGMENT

(Judgment of the Court was delivered by SATISH K.AGNIHOTRI, J.)

This writ appeal is directed against the order dated 07.11.2013 made in W.P.No.21935 of 2008, whereby and whereunder the learned single Judge allowed the writ petition and directed the appellants herein to pay the service benefits to the respondent.

2.On 28.08.2015, while examining the impugned order passed by the learned single Judge, we noticed that the learned single Judge has referred to several orders. We, accordingly, on the request of the learned Special Government Pleader appearing for the appellants, granted one week time to produce copies of all the orders referred to in the impugned order. The matter was directed to be listed on 04.09.2015. The matter was taken up again on 15.09.2015 and the same request was made by the learned Special Government Pleader appearing for the appellants. Acceding to her request, one more opportunity was given. Today again, the matter stands on the same footing. No orders have

been filed, complying with our directions passed earlier. Thus we take it as non-prosecution of the appeal. Accordingly, the writ appeal is dismissed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mmi

To

1. The Secretary to Government,
Government of Tamil Nadu,
Home (Prisons) Department,
Fort St. George, Chennai - 9.
2. The Inspector General of Prisons,
Thalamuthu Natarajan Maligai,
Egmore, Chennai - 8.
3. The Superintendent of
Central Prison, Palayamkottai,
Tirunelveli.

+1cc to Mr.K.S.Govinda Prasad, Advocate, S.R.No.60492
+1cc to the Government Pleader, S.R.No.60301

W.A.No.1245 of 2015

SK(CO)
CA(23/11/2015)

सत्यमेव जयते

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