

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE R.MAHADEVAN

W.A.No.1807 of 2009

1. The Chairman,
National Airports Authority,
Rajiv Gandhi Bhavan,
Safdar Jung Airport,
New Delhi-110 003.
2. The Director General of Civil Aviation,
Technical Centre,
Opp. Safdarjung Airport,
New Delhi-110 022. Appellants/Respondents 2 & 3

Vs.

1. M.S.Ramesh Respondent/Petitioner
2. The Secretary,
Department of Pension & Pensioners Welfare,
Ministry of Personnel, Public Grievances & Pension,
Government of India,
New Delhi. Respondent/1st Respondent

Appeal filed under Clause 15 of Letters Patent against the order dated 07.08.2003 in W.P.No.3907 of 1995 on the file of this Court.

W.P.No.3907 of 1995 : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd Respondent culminating with the issue of the terms and conditions of permanant absorption Letter No.41011/2/89-PP, dated 15.09.1989 and quash Clause 2(c) of the terms and conditions and direct the respondents to give pro-rata retirement benefits according to the length of service to the petitioner irrespective of the particular period of service and as stated therein.

For Appellant : No Appearance

For Respondents : Mr.V.Perumal for R1
No Appearance - for R2

JUDGMENT

(Judgment of the Court was made by The Hon'ble Chief Justice)

On the last date of hearing, a request for an adjournment was made that the counsel for the appellants has to come from Madurai. Today none is present for the appellants.

2. The impugned order shows that while rejecting the challenge to certain clause of the terms and conditions of permanent absorption, the respondents therein were directed to consider the case of the writ petitioner for pro-rata pensionary benefit, duly taking into consideration his service in the Civil Aviation Department and in that eventuality, he would be eligible for pension.

3. We do not know as to what transpired, as none is even present for the respondents.

4. The writ appeal is dismissed for non-prosecution. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

The Secretary,
Department of Pension & Pensioners Welfare,
Ministry of Personnel,
Public Grievances & Pension,
Government of India,
New Delhi.

W.A.No.1807 of 2009

SCD(CO)
CA(24/08/2016)