



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**

AND

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.A. [MD] .No.262 of 2017

and

C.M.P. [MD] .No.2685 of 2017

and

W.P (MD) .No.1937 of 2017

and

W.M.P (MD) .No.1591 of 2017

M.Azhagar

: Appellant in the Writ Appeal
and petitioner in the Writ Petition

Vs.

1.The Chief Engineer,
Personnel TNEB, No.144, Anna Salai
Chennai 600 002.

2.The Superintending Engineer,
Office of the Superintending Engineering,
Theni Electricity Distribution Circle,
Theni.

: Respondents in both Writ Appeal
and Writ Petition

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order, dated 06.02.2017, made in W.M.P.(MD).No.1591 of 2017 in W.P.(MD).No.1937 of 2017, on the file of this Court.

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent, in Ref.கு.எண்.025/மே/பொ/தேனி/உநிஅ/நிபி2/உ2 /கோ.1 வருட முன்னறிவிப்பு /2016 நாள் 15.04.2016, insofar as the petitioner in Sl.No.16 is concerned, quash the same and allow the petitioner herein to attain the age of superannuation on 30.06.2027, as per the date of birth certificate furnished by the petitioner.

For Appellant : Mr.K.Appadurai

For Respondents : Mr.S.Dhayalan
Standing Counsel

**JUDGMENT**

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.K.Appadurai, learned counsel appearing for the appellant/Writ Petitioner and Mr.S.Dhayalan, learned Standing Counsel appearing for the respondents.

2. This Writ Appeal is directed against the interlocutory order, by which the application of the appellant/Writ Petitioner for grant of stay of the order passed by the second respondent herein dated 15.04.2016 was rejected.

3. The Writ Petition was filed for issuance of a Writ of Certiorarified Mandamus to quash the order dated 15.04.2016 passed by the second respondent herein, insofar as the appellant/Writ Petitioner is concerned and allow him to attain the age of superannuation, on 30.06.2027.

4. After we have heard the learned counsel for the appellant/Writ Petitioner for some time, we find that the learned single Judge was perfectly justified in rejecting the stay petition, since if any interim order, as sought for by the appellant/Writ Petitioner is granted, it would amount to granting main relief at the interlocutory stage. When we expressed this, the learned counsel for the appellant/Writ Petitioner submitted that the appellant/Writ Petitioner would be satisfied, if the Writ Petition itself is disposed of, by directing the first respondent herein to consider the appeal petition dated 12.07.2016 and pass appropriate orders on merits and in accordance with law.

5. In view of the above, Registry is directed to call for the Writ Petition and the same is taken up for disposal.

6. After hearing the learned counsel for the appellant/Writ Petitioner as well as the learned Standing Counsel for the respondents, without expressing anything on the merits of the contention raised by the appellant/Writ Petitioner, there shall be a direction to the first respondent to consider the explanation/appeal petition submitted by the appellant/Writ Petitioner dated 12.07.2016 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this Judgment. The appellant/Writ Petitioner is directed to enclose a copy of the said explanation/appeal petition dated 12.07.2016, along with a copy of this Judgment and forward the same to the first respondent for due compliance of the above direction.



7. The Writ Petition and the Writ Appeal are disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar(Writs)

Sub Assistant Registrar

To

1.The Chief Engineer,
Personnel TNEB, No.144, Anna Salai
Chennai 600 002.

2.The Superintending Engineer,
Office of the Superintending Engineering,
Theni Electricity Distribution Circle,
Theni.

+1cc to M/s. K.APPADURAI Advocate in SR. No.17523

NB

JS/KP/SAR.4/6/04/2017/3P-4C

JUDGMENT MADE IN
W.A. [MD] .No.262 of 2017
and
C.M.P. [MD] .No.2685 of 2017
and
W.P (MD) .No.1937 of 2017
and
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