

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.04.2018

Coram

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

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

1. The Secretary to Government,
Finance (OP-I) Department,
Fort St. George, Chennai - 9.
 2. The Secretary to Government,
Personnel & Administrative Reforms Department,
Fort St. George, Chennai - 9. Appellants/Respondents
- Vs.
- S.Vimalaveni Respondent/Petitioner

This Writ Appeal is filed under clause 15 of the Letters Patent against the order dated 31.08.2012 made in W.P.No.6403 of 2009 on the file of this Court.

PRAYER IN WP.6403 OF 2009: Writ Petition filed Under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to implement the GO Ms.No.170 Finance (OPI) Department dt 16.5.2007 in proper manner and re-fix the pay of the petitioner on par with the petitioners junior w.e.f. 29.5.1998 and sanction the arrears of pay and allowances to the petitioner and grant all consequential monetary benefits with interest within a reasonable time frame.

For Appellants : Mr.M.Karthikeyan,
Additional Govt. Pleader

For Respondent : Mr.S.Kingston Jerold for
Mr.S.K.Rakhunathan

JUDGMENT

(Judgment of the Court was delivered by K.K.SASIDHARAN.J.)

The learned single Judge entertained the Writ Petition filed by the respondent herein and granted her the benefits of the Government Order in G.O.Ms.No.112 P & AR Department dated 13.07.2012 notwithstanding the fact that on account of the cut off date she is not entitled for such benefit. Feeling

aggrieved by the said order, the State has come up with this intra court appeal.

2. When the Writ Appeal was taken up for hearing, the learned Additional Government Pleader appearing for the appellants and the learned counsel appearing for the respondent fairly submitted that the issue raised in this appeal is covered by the decision of a Division Bench of this Court in The Secretary to Government & another V. A.Velusamy (2015-5-L.W.158).

3. The very same issue with regard to the extension of cut off date came up for consideration before the Division Bench in A.Velusamy's case (supra), wherein the Division Bench made it clear that only those persons, who satisfy the conditions enumerated in G.O.Ms.No.112 dated 13.07.2012 and who has not superannuated as on the date of issuance of the said Government Order, are entitled to the benefits.

4. Since the facts are identical, we are of the view that the appellants must succeed. The order dated 31.08.2012 is set aside. The Writ Petition in W.P.No.6403 of 2009 is dismissed.

5. The intra Court appeal is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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TO

1. The Secretary to Govt., Finance(OPI) Dept.,
Fort st. George Chennai 9.

2. The Secretary to Govt.
personal & Administrative Reforms Dept.,
Fort St. George Chennai 9.

+1cc to Mr.S.K.RAKHUNATHAN, Advocate, S.R.No.26571
+1cc to the Government Pleader, S.R.No. 27251

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CNR(CO)
TR(04/05/2018)