

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A.No.2271 of 2013

1. The Government of Tamilnadu
rep. by its Secretary to Government,
Higher Education Department,
Fort St. George, Chennai - 9.
2. The Joint Director of Collegiate Education,
Saidapet, Chennai - 600 015.Appellants/Respondents

Vs

1. J.A.Nathan
2. The Secretary,
Stella Maris College,
No.17, Cathedral Road,
Chennai - 600 006.Respondents/Petitioner &
3rd Respondent

Prayer:- Writ Appeal filed under Clause 15 of Letter Patent Act, to set aside the order dated 26.04.2012 passed in W.P.No.10028 of 2012.

PRAYER IN WP.10028 OF 2012: Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to Call for the records of the Respondents, especially the first Respondent relating to his order made in G.O.Ms.129, Higher Education (D1) Department, dt.10.05.2011 and quash the same as null and void, illegal and invalid and consequently directing the Respondents 1 and 2 to regularize the Petitioner service as Mechanic (re-designated as Mechanic Grade-I) with effect from 01.11.1985, the date of his regular appointment by re-fixing pay-scale eligible to the post of Mechanic (re-designated as Mechanic Grade-I), besides disbursing to him the difference in Mechanic Grade-I cadre Pay-Scales with effect from 01.11.1985, with all other service and monetary benefits, by passing appropriate orders on the Petitioner's latest representation dated 23.10.2009 in the light of identical order

passed in W.P.No.18963 of 1996 dated 21.06.2001 as confirmed in W.A.No.260 of 2002 dated 20.11.2003 on par with others.

For Appellants : Mr.K.Karthikeyan
Government Advocate (Education)

For Respondents 1: Mr.A.Amaraji

For Respondents 2: No appearance

JUDGMENT

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

The claim made by the first respondent to redesignate him as Grade-I Mechanic was rejected by the Government, on the ground that he was not in possession of the requisite qualification. The said order was challenged before the writ Court. The learned Judge, by order dated 26 April 2012 set aside the said order, by following the Judgment of the Division Bench in W.A.No.260 of 2002 and directed the appellants to redesignate him as Grade-I Mechanic. The order was complied with by the appellants by issuing an order in G.O.(Ms) No.50, Higher Education (D1) Department dated 02 April 2013. Thereafter, the appellants have filed this intra court appeal.

2. We have perused the order passed by the learned Judge and the subsequent order dated 02 April 2013 giving the benefits to the first respondent. There is no question of considering the legality and correctness of the order passed by the learned single Judge, after implementing the said order in G.o.(Ms) No.50, Higher Education (D1) Department dated 02 April 2013.

3. The order dated 02 April 2013 indicates that the Writ Appeal itself was filed only after implementing the order passed by the learned single Judge. We are therefore of the view that there is no need to set aside the order at this point of time. The legal question raised by the State is left open to be decided in appropriate proceedings.

This intra court appeal is dismissed with the above observation. No costs.

Sd/-

Assistant Registrar(CS-III)

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Sub Assistant Registrar

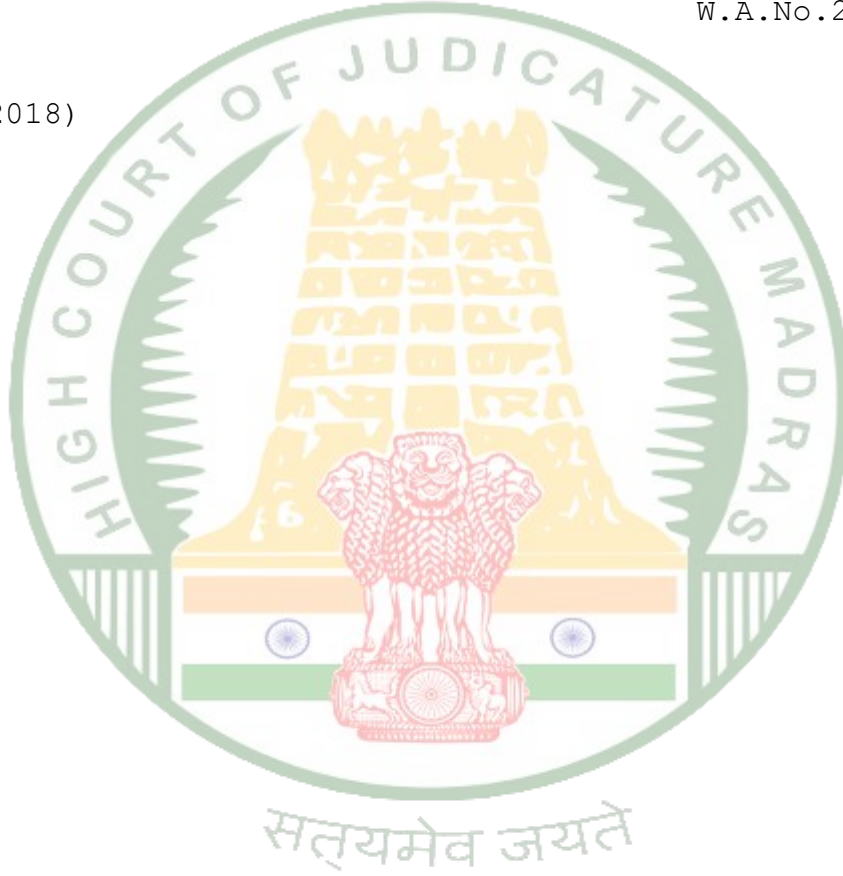
To

1. The Secretary to Government,
Government of Tamilnadu,
Higher Education Department,
Fort St. George, Chennai - 9.
2. The Joint Director of Collegiate Education,
Saidapet, Chennai - 600 015.

+1cc to the Government Pleader, S.R.No. 14018 & 12648

W.A.No.2271 of 2013

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