



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2018

CORAM:

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THE HONOURABLE **MR.JUSTICE T.S.SIVAGNANAM**
and
THE HONOURABLE **MRS.JUSTICE R.THARANI**

Writ Appeal (MD).No.165 of 2018
and
C.M.P. (MD) .No.894 of 2018

1. The State of Tamil Nadu,
Represented by its Secretary,
Revenue Department,
St.George Fort,
Chennai-600 009.

2. The District Collector,
Nagercoil,
Kanyakumari District.

3. The Tahsildar,
Kalkulam Taluk,
Thuckalay,
Kanyakumari District.

... Appellants/Respondents

Vs.

K.Gopinathan(Died)
1.Latha

... Writ Petitioner

2.Pradeesh ... Respondents/Legal Heirs of deceased writ
Petitioner
(cause title accepted vide Court order
dated 03.01.2018 made in CMP(MD).No.111 of 2017
by MSNJ & RHJ).

Prayer: Writ Appeal is filed under Clause 15 of Letters Patent, to
set aside the order dated 14.06.2016 in W.P(MD).No.11807 of 2014.

Prayer in WP(MD). 11807/ 2014 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court to issue a writ of
Mandamus directing the respondents to refix the pension of the
petitioner, by considering the petitioner s entire period of
service, i.e. from 21.7.1975 to 31.8.2010, on par with the various
judgments made by the Hon'ble Madras High Court, Madurai Bench and



further direct the respondents to sanction all pensionary benefits to the petitioner.

For Appellants : Mr.D.Muruganandham
Additional Government Pleader

For Respondents : Mr.C.Kishore

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JUDGMENT

(Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**)

This writ appeal is directed against the order made in W.P (MD).No.11807 of 2014, dated 14.06.2016. The said writ petition has been filed seeking a direction to the appellants/respondents to refix the pension of the writ petitioner, by considering the writ petitioner's entire period of service and to sanction all pensionary benefits to the writ petitioner.

2.The Writ Court, after taking note of the fact that the similar relief was granted in several cases and some of which are confirmed by the Hon'ble Division Bench and Special Leave Petitions having been dismissed, allowed the writ petitions as prayed for. Further, the Court noted that the Government has also implemented the order. In the grounds of appeal, the appellant would state that G.O.Ms.No.33 Revenue [Ser-8(1)] Department dated 25.01.2010, was passed as a special case. However, it is not stated that the candidate therein was a special candidate and as to why he was given special consideration. In any event, the Writ Court took into consideration the earlier orders passed in several writ petitions and the judgment of the Hon'ble Division Bench on similar issue and allowed the writ petition. Thus, the earlier order passed in other cases, having become final and implemented and the question of taking a different view in the instance case does not arise. We are informed that the first respondent/writ petitioner died during the pendency of the proceeding and the legal heirs are on record.

3.For the above reasons, we find that there are no grounds for interfering with the order passed in the writ petition. Accordingly, the writ appeal stands dismissed. No cost. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar



To

1. The Secretary,
State of Tamil Nadu,
Revenue Department,
St. George Fort,
Chennai-600 009.

2. The District Collector,
Nagercoil,
Kanyakumari District.

3. The Tahsildar,
Kalkulam Taluk,
Thuckalay,
Kanyakumari District.

+ 1 cc TO Mr.C.Kishore , Advocate in SR No. 48712

+ 1 cc TO The Special Government Pleader in SR No. 48821

rmk/mrn

AE/SV MMS/SAR4/23.02.2018/3P/6C

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