



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2018

CORAM :

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**The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE**

**AND**

**The Hon'ble Mr.JUSTICE M.SUNDAR**

W.A. (MD) No.848 of 2018

and

C.M.P. (MD) No.5135 of 2018

1. The Director (TANHODA),  
Department of Horticulture,  
Chennai-5.

2. The Deputy Director of Horticulture,  
Department of Horticulture,  
Pudukottai,  
Pudukkottai District.

.. Appellants

Vs.

A.Ramayee

.. Respondent

Writ Appeal is preferred under Clause 15 of Letters Patent against the order dated 02.03.2018 made in W.P.(MD)No.1761 of 2018 passed by the learned Single Judge.

Prayer in WP(MD). 1761/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the 2nd respondent in his proceedings in Se.Mu.A4/2201/2017 dated 31.10.2017 retiring the petitioner on 30.04.2017 and quash the same as illegal and direct the respondents to reinstate the petitioner into service in the 2nd respondent office as Farm Mazdoor (Pannai Paniyalar) and permit the petitioner to discharge his duty till the attainment of 60 years of age i.e., on 31.10.2019 by considering the petitioners representation dated 26.12.2017

For Appellants : Mr.A.K.Baskara Pandian, Spl.G.P.



## JUDGMENT

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

This appeal is against an order dated 2<sup>nd</sup> March 2018 passed by the learned Single Bench allowing the writ petition being W.P.(MD) No.1761 of 2018 and setting aside the impugned order dated 31<sup>st</sup> October 2017 passed by the second respondent in the writ petition being the second appellant herein with regard to retirement of the writ petitioner on attainment of 58 years of age.

2 Before the learned Single Bench, it was contended by the writ petitioner that for Farm Laborers, the age of retirement was 60 years. This was not disputed by the learned Special Government Pleader appearing for the respondents therein and accordingly, the order under appeal was passed.

3 The appellants have now produced a letter No.FPM1/887/2018 dated 11<sup>th</sup> June 2014, stating that a Committee formed under the Chairmanship of Managing Director of Tamil Nadu Horticulture Development Agency (TANHODA) had recommended rules and regulations for Farm Laborers and placed the same before the Governing Council of TANHODA on 20<sup>th</sup> May 2014 and the 24<sup>th</sup> Governing Council had amended and approved inter-alia the following rule :

"7. The retirement age may be fixed as 58 years."

The aforesaid rule came into effect from 3<sup>rd</sup> June 2014.

4 Unfortunately, the aforesaid communication was not produced before the Single Bench and the Single Bench had no opportunity to consider the same.

5 We are of the view that appropriate remedy is to apply for review of the order of the learned Single Bench. We, therefore, do not entertain this appeal. Leave is given to withdraw the appeal with liberty to file a review application before the Single Bench. The writ appeal is dismissed as withdrawn. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

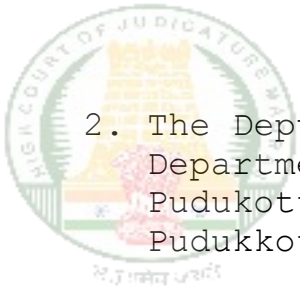
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Director (TANHODA),  
Department of Horticulture,



2. The Deputy Director of Horticulture,  
Department of Horticulture,  
Pudukottai,  
Pudukkottai District.

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+1 cc TO The Special Government Pleader in SR No. 70562

vvk

AE/PN/SAR4/24.07.2018/3P/4C

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