



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH

AND

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

W.A. (MD) .Nos.951 to 953 of 2018

and

C.M.P. (MD) .Nos.6331 to 6333 of 2018

1. The Director (TANHODA)
Department of Horticulture,
Chennai-5.
2. The Deputy Director of Horticulture
Department of Horticulture
Pudukkottai, Pudukkottai District. ... Appellants/Respondents
in all W.Ps

Vs.

S.P.Karuppaiah	... Respondent in W.A.(MD).951/18 / Writ petitioner in W.P.(MD).No. 10694/17
R.Palanivelu	... Respondent in W.A.(MD).952/18 / Writ petitioner in W.P.(MD).No.10697/17
M.Maruthai	... Respondent in W.A.(MD).953/18 / Writ petitioner in W.P.(MD).No.1725/2018

COMMON PRAYER: Writ Appeals filed under Clause 15 of Letters Patent Act to set aside the orders dated 02.03.2018 passed in W.P. (MD).Nos.10694 and 10697 of 2017 and 1725 of 2018.

Prayer in WP(MD) . 10694/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondent to retain the petitioner in service till the completion of 60 years of his age i.e. on 30.06.2019.

Prayer in WP(MD) . 10697/ 2017 :

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.A4/2136/2016 dated 26.04.2017 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 Labourer and permit the petitioner to discharge his duty till the attainment of 60 years of age i.e. on 30.04.2019 by considering the petitioners representation dated 22.05.2017

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Prayer in WP(MD). 1725/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the Respondent to retain the petitioner in service till the completion of 60 years of his age i.e., on 31.12.2019.

For Appellants in all Appeals : Mr.A.K.Baskara Pandian
Special. Govt. Pleader

COMMON JUDGMENT

(Judgment of the Court was made by **HULUVADI G.RAMESH, J.**)

These writ appeals have been filed to set aside the orders dated 02.03.2018 passed by this Court in W.P.(MD).Nos.10694 and 10697 of 2017 and 1725 of 2018.

2.While disposing of the above writ petitions, the learned Single Judge has extended the date of superannuation of the petitioners therein, who are Farm Labourers upto 60 years.

3.The State has preferred these appeals stating that due to technical reasons, the learned Single Judge has allowed the said writ petitions. However, the learned Single Judge has failed to consider the fact that when there is a specific rule applicable to the service of the writ petitioners, general rule cannot be made applicable. Hence, he prayed for setting aside the orders passed by the learned Single Judge.

4.The learned Special Government Pleader appearing for the appellants submitted that for want of counter only, the learned Single Judge allowed the writ petitions. However, a parallel Bench has suggested the Government to withdraw the writ appeal, as per the service rules and also the retirement conditions, as provided by the Government.

5.In view of the matter, the appellants are granted liberty to file a review petition and also permitted to withdraw the writ appeals.

6.Accordingly, the learned Special Government Pleader appearing for the appellants has made an endorsement in the grounds of writ appeal.



7. Recording the same, these writ appeals are dismissed as withdrawn. No costs. Consequently, connected miscellaneous petitions are closed.

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sd/-
Assistant Registrar (Crl. Side)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Director (TANHODA)
Department of Horticulture,
Chennai-5.
2. The Deputy Director of Horticulture
Department of Horticulture
Pudukkottai, Pudukkottai District.

+1cc to SPECIAL GOVERNMENT PLEADER, SR.No.74838

Vs

MK/SKN/SAR 3/29.08.2018/3P/4C

Common Judgment made in
W.A. (MD) .Nos.951 to 953 of 2018
24.07.2018