



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A.[MD].No.1098 of 2018

and

C.M.P. (MD).No.7879 of 2018

1.The Director [TANHODA],
Department of Horticulture,
Chennai 5.

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

: Appellants

Vs.

S.Siva

: Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 22.01.2018 made in W.P.(MD).No.23772 of 2017, on the file of this Court.

Prayer in WP(MD). 23772/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue 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

: Mr.A.K.Baskarapandian
Special Government Pleader

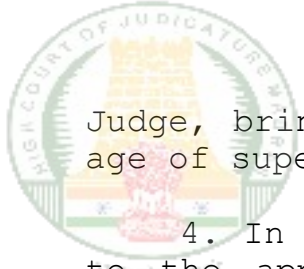
JUDGMENT

[Judgment of the Court was delivered by M.M.SUNDRESH, J.]

Challenge in this Writ Appeal is to the order dated 22.01.2018 made in W.P.(MD).No.23772 of 2017.

2. The learned Single Judge has passed the order, in view of the submission made by the learned Additional Government Pleader appearing on behalf of the respondents therein in not disputing the age of retirement of the respondent herein.

3. In such view of the matter, the only remedy open to the appellants is to file a Review Application before the learned Single



Judge, bringing to the notice of the learned Single Judge about the age of superannuation of the respondent.

4. In the result, the Writ Appeal is disposed of giving liberty to the appellants to file Review Application before the learned Single Judge. We also grant further period of three weeks from the date of receipt of a copy of this Judgment to the appellants to file Review Application. The Registry is directed to entertain the Review Application to be filed by the appellants without insisting for an application to condone the delay, if the Review Application is filed within the time stipulated above. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar (CO)

/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 M/s.Special Government Pleader, SR.No. 81634

W.A. [MD].No.1098 of 2018
30.08.2018

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