



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A. [MD]No.1319 of 2018

and

C.M.P. [MD]No.9410 of 2018

WEB COPY

1. The Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.
 2. The Revenue Divisional Officer,
Usilampatti Division,
Usilampatti,
Madurai District.
 3. The Tahsildar,
Thirumangalam Taluk,
Thirumangalam,
Madurai District.
- : Appellants/Respondents
- Vs.
1. N.Nallakaruppa Thevar
 2. The Accountant General,
361, Annasalai,
Chennai.
- : Respondent/Writ Petitioner
- :2nd Respondent/2nd Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, praying to set aside the order dated 28.06.2016 made in W.P.[MD]No.15473 of 2014 on the file of this Court and allow this Writ Appeal.

Prayer in WP(MD)No. 21283 of 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the 4th respondent herein passed in Na.Ka.No.439/2016/A2 dated 27.09.2016 and quash the same, consequentially directing the respondents to issue pension to the petitioner by way of counting 50% of petitioners prior service of regularization along with regular service for grant of pension on the basis of his total service, revised pension, DCRG, arrears and all other monetary benefits accrued thereon to the petitioner from the date of his retirement within a short date that may be fixed by this court.



For Appellants : Mr.A.K.Baskarapandian
Special Government Pleader

JUDGMENT

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

When the matter is taken up for hearing, the learned Special Government Pleader appearing for the appellants submitted that the issue involved in this Writ Appeal is no longer *res integra*, since in a similar issue, the Division Bench of this Court, in **W.A. [MD] No.16 of 2009 dated 16.02.2000**, was pleased to hold as follows:

"11.In view of out above finding, we uphold the order passed by the learned Single Judge and dismiss the writ appeal. We make it clear that the respondents should pay pension in favour of the writ petitioner (respondent herein) within one month from today, if not yet paid, failing which they will be liable to pay 12 interest per annum from the date of retirement of the writ petitioner, (respondent herein).

12.With the aforesaid observation and direction, the writ appeal is dismissed. But, there shall be no order as to costs. Connected M.P.[MD]No.1 of 2009 is also dismissed."

2.The said decision of this Court is applicable to the case on hand and the issue involved in this case is no longer *res integra*.

3.The Writ Appeal stands dismissed, accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-IV)

+1cc to Spl.Government Pleader Sr.No.91131

MR

VB/SKN/SAR4/14.11.2018/2P/2C