

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.04.2019
CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
And
THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.A.No.1312 of 2019
And
C.M.P.No.8936 of 2019

- 1.The Government of Tamilnadu
Rep. by its Principal Secretary to Government,
Rural Development & Panchayat Raj Department,
Fort St.George,
Chennai - 600 009.
- 2.The Director of Rural Development & Panchayat Raj,
Panagal Building,
Saidapet, Chennai - 600 015.
- 3.The District Collector (PD Section),
Tuticorin District,
Tuticorin. ... Appellants/ Respondents 1,2&4

Vs.

- 1.L.Joseph Raj ...2nd Respondent/ Petitioner
- 2.The Principal Accountant General (A&E),
Tamil Nadu,
No.361, Anna Salai,
Chennai - 600 018. ...1st Respondent/ 3rd Petitioner

Prayer:

Writ appeal filed under Clause 15 of the Letters Patent against the order dated 10.08.2018 made in W.P.No.29600 of 2017.

Prayer in W.P.No.29600 of 2017:

Writ Petition filed under Article 226 of the Constitution of India Praying for issuance of a Writ of Mandamus directing the respondents to extend the benefit of orders passed by Division Bench of this Honble Court in Writ Appeal No.431 of 2016 dated 11.04.2016 and W.A.No.612/2016 dated 24.06.2016 by counting 50% services rendered by the

petitioner in part time panchayat clerk along with regular service for the purpose of pension and direct the respondents to count 50% service rendered in the post of part time Panchayat Clerk from 01.01.1983 till 30.06.1998 along with regular service for the purpose of granting pension.

For Appellants : Mrs.A.Srijeyanthi
Special Government Pleader

For Respondents : Mr.V.Suthakar

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN,J.)

The learned Single Judge having found that regularization of the first respondent as Panchayat Clerk was prior to 01.04.2003, directed the appellants to count 50% of the earlier service rendered by him in the post of Part Time Panchayat Clerk for the purpose of pension. The order is under challenge at the instance of the State.

2.When the appeal is taken up for hearing, the learned Special Government Pleader by producing a copy of the order in G.O.Ms.No.69, dated 25.03.2019, issued by the Rural Development and Panchayat Raj Department, submitted that nothing survives for adjudication in view of the order passed by the Government granting benefit to the first respondent.

3.The intra court appeal is dismissed as infructuous taking into account the subsequent events indicated above. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Accountant General (A&E),
Tamil Nadu,
No.361, Anna Salai,Chennai - 600 018.
+1 cc to Government Pleader Sr.No. 37698

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And

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A.SK(14/06/2019)