

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2019

CORUM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Appeal Nos.164 and 165 of 2018
and
C.M.P.Nos.955 and 956 of 2018

- 1 THE GOVT. OF TAMILNADU
REP. BY ITS SECRETARY ENVIORNOMETN AND
FOREST DEPT. SECRETARIAT CHENNAI 9.
- 2 THE PRINCIPAL CHIEF
CONSERVATOR OF FORESTS OFFICE AT PANAGAL
MAALIGAI SAIDAPET CHENNAI 015.
..... APPELLANT IN BOTH W.As
- 3 THE DISTRICT FOREST OFFICER
CUM DEPUTY DIRECTOR ANAIMALAI TIGER
RESEARCH CENTRE POLLACHI COIMBATORE.
..... APPELLANT IN W.A No.164 OF 2018
- 4 THE DISTRICT FOREST OFFICER
CUM DEPUTY DIRECTOR ANAIMALAI TIGER RESERVE
FOREST AT POLLACHI COIMBATORE DISTRICT.
..... APPELLANT IN W.A No.165 OF 2018
- 5 THE ACCOUNTANT GENERAL
OF TAMILNADU OFFICE AT DMS COMPOUND
TEYNAMPET CHENNAI 600 018.

..... APPELLANT IN BOTH W.As

Vs

- 1 C. VEERAN
S/O. THIRU CHINNATHAMBI KUTTIYAN KUPPAM
THIRUKKANAM PAKKAM POST CUDDALORE
DISTRICT.
..... RESPONDENT IN W.A.NO.164 OF 2018
- 1 A. SUBRAMANI
S/O. ARUMUGAM NO.3255 PONNIAMMAN KOIL ST.
SAMBUVARAYA NALLUR VILLAGE NADUKUPPAM POST
ARANI TALUK THIRUVANNAMALAI DIST.

..... RESPONDENT IN W.A.NO.165 OF 2018

APPEALS filed under Clause 15 of the Letters Patent to set aside the orders passed in WP.Nos.39722 and 39762 of 2015 dated 18.01.2016 and allow the present Writ Appeals.

Prayer in in WP.Nos.39722 of 2015 :

Directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on Daily Wage basis from 12.8.1986 till 19.10.2014 along with the regular service rendered by him as Forest Watcher from 20.10.2014 till the date of his retirement namely 28.2.2016 as qualifying service send the revised proposal to the fourth respondent grant pension to the petitioner with all consequential monetary benefits.

Prayer in in WP.Nos.39762 of 2015 :

Directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 17.2.1983 to 10.5.2008 along with the regular service rendered by him as Forest Watcher and Forest Guard from 11.5.2008 to till the date of his retirement namely 31.5.2015 as qualifying service send the revised proposal to the 4th respondent grant pension to the petitioner with all consequential monetary benefits and pass further suitable orders.

For Appellants in the above W.As :

Mr.Thangavadana Balakrishnan,
AGP (F)

For Respondent in the above W.As : No appearance

C O M M O N J U D G M E N T

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

The learned single Judge on the basis of the statement made by the learned Additional Government Pleader to the effect that the issue raised in the Writ Petitions is covered by a judgment of this Court, disposed of the Writ Petitions following the said judgment. The appellants have come up with these intra court appeals on the ground that the learned single Judge was not justified in allowing the Writ Petitions.

2. Similar intra Court appeals came up for consideration before us earlier. When it was pointed out as to how an order passed by consent is appealable before the appellate Court, it was submitted that the Government would withdraw the appeals with liberty to file a review petition before the learned single Judge. The appellants have filed a memo indicating that they are withdrawing the appeals with liberty to file a review petition.

3. In view of the memo dated 22.07.2019 the intra court appeals are dismissed as withdrawn with liberty. However, we make it clear that the expression 'liberty' should not be construed to be an expression of 'opinion on the merits of the matter'. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To,

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TEYNAMPET CHENNAI 600 018.

+1 cc to Government Pleader (forest) Sr.No. 62199

Writ Appeal Nos.164 and 165 of 2018
and

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A.SK(22/08/2019)