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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2019

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

Writ Appeal Nos.194 and 195 of 2018
and
C.M.P.Nos.1417 and 1418 of 2018

- 1 THE GOVT. OF TAMILNADU
REP.BY ITS SECRETARY ENVIRONMENT AND
FORERST DEPT.SECRETARIAT CHENNAI 9.
- 2 THE PRINCIPAL CHIEF
CONSERVATOR OF FORESTS OFFICE AT PANAGAL
MAALIGAI SAIDAPET CHENNAI 600 015.

....APPELLANT IN BOTH W.AS./
RESPONDENTS 1 & 2

- 1 THE DISTRICT FOREST OFFICER
TRICHY

....3RD APPELLANT IN W.A.No.194 OF 2018/
3RD RESPONDENT

- 1 THE DISTRICT FOREST OFFICER
ARIYALLOOR DIVISION AT ARIYALLOOR.

....3RD APPELLANT IN W.A.No.195 OF 2018/
3RD RESPONDENT

- 4 THE ACCOUNTANT GENERAL
OF TAMIL NADU OFFICE AT DMS COMPOUND
TEYNAMPET CHENNAI 600 018.

....4TH APPELLANT IN BOTH W.AS./
4TH RESPONDENT

Vs

- 1 S.VATHAN
S/O.SUKKEERAN MALAIANDIPATTI VILLAGE
PAPPAKKAPATTI POST KRISHNARAYAPURAM TK.
KARUR DIST.

.... RESPONDENT IN W.A.NO.194 OF 2018/
PETITIONER



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K.DURAIRAJ
S/O.KARUPPAIAH
KUMARA MANGALAM VILLAGE
KALA KOLATHUR POST
THIRUMANOOR VIA
ARIYALLOOR TK & DT.

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.... RESPONDENT IN W.A.NO.195 OF 2018/
PETITIONER

APPEALS filed under Clause 15 of the Letters Patent to set aside the orders passed in WP.39730 and 39735 of 2015 dated 18.01.2016 and allow the present WAs.

WP.39730 of 2015:-

This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus Directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on Daily Wage basis from 1.4.1981 till 12.5.2003 along with the regular service rendered by him as Forest Watcher from 13.5.2003 till the date of his retirement namely 30.6.2012 as qualifying service send the revised proposal to the fourth respondent grant pension to the petitioner with all consequential monetary benefits.

WP.39735 of 2015:-

This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus Directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 1.4.1983 till 26.11.2008 along with the regular service rendered by him as Forest Watcher from 27.11.2008 till the date of his retirement namely 31.7.2015 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 V)

//True Copy//

Sub Assistant Registrar

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1. THE SECRETARY,
THE GOVT.OF TAMILNADU
GOVERNMENT OF ENVIRONMENT AND
FORERST DEPT. SECRETARIAT CHENNAI 9.
2. THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS,
OFFICE AT PANAGAL MAALIGAI,
SAIDAPET, CHENNAI 600 015.
3. THE DISTRICT FOREST OFFICER,
TRICHY.
4. THE DISTRICT FOREST OFFICER,
ARIYALLOOR DIVISION AT ARIYALLOOR.



5. THE ACCOUNTANT GENERAL OF TAMIL NADU,
OFFICE AT DMS COMPOUND,
TEYNAMPET, CHENNAI 600 018.

+1cc to the Special Government Pleader(Forest), S.R.No.62198

Writ Appeal Nos.194 and 195 of 2018
and
C.M.P.Nos.1417 and 1418 of 2018

RSI (CO)
CS/16/09/2019