

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 No.69 of 2018
and
C.M.P.Nos.585 of 2018

- 1 THE GOVERNMENT OF TAMILNADU
REP BY ITS SECRETARY ENVIRONMENT AND FOREST
DEPARTMENT SECRETARIAT CHENNAI 600 009
 - 2 THE PRINCIPAL CHIEFCONSERVAT
OR OF FOREST HAVING OFF AT PANAGAL MAALIGAI
SAIDAPET CHENNAI 15
 - 3 THE DISTRICT FOREST OFFICER
THIRUPATHUR DT
 - 4 THE ACCOUNTANT GENERAL OF
TAMIL NADU OFFICE OF DMS COMPOUND TEYNAMPET
CHENNAI 18
- Vs
- 1 M. SUNDARAMOORTHY
S/O. THIRU MALI KAMARAJAR NAGAR PARAMAMANDAL
PO CHENGAM TK THIRUVANNAMALAI DT
-APPELLANT
-RESPONDENT

APPEAL filed under Clause 15 of the Letters Patent to set aside the order passed in WP No 32510 of 2016 dated 19/09/2016.

WP.No.32510 of 2016:-

The Writ Petition filed under section 226 of the Constitution of India, to Direct the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wages from 01.03.1981 till 06.08.2009 along with the regular service rendered by him as Plot Watcher Superumeraly Post) and Night Watchman 07.08.2009 till the date of his retirement namely 31.5.2016 as qualifying service send the revised proposals to the fourth respondent grant pension to the petitioner with all consequential monetary benefits.

For Appellants : Mr.Thangavadana Balakrishnan,
AGP (F)

For Respondent : No appearance

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 Petition is covered by a judgment of this Court, disposed of the Writ Petition following the said judgment. The appellants have come up with the intra court appeal on the ground that the learned single Judge was not justified in allowing the Writ Petition.

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 appeal with liberty to file a review petition before the learned single Judge. The appellants have filed a memo indicating that they are withdrawing the appeal with liberty to file a review petition.

3. In view of the memo dated 22.07.2019 the intra court appeal is dismissed as withdrawn with liberty.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 Petition is also dismissed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

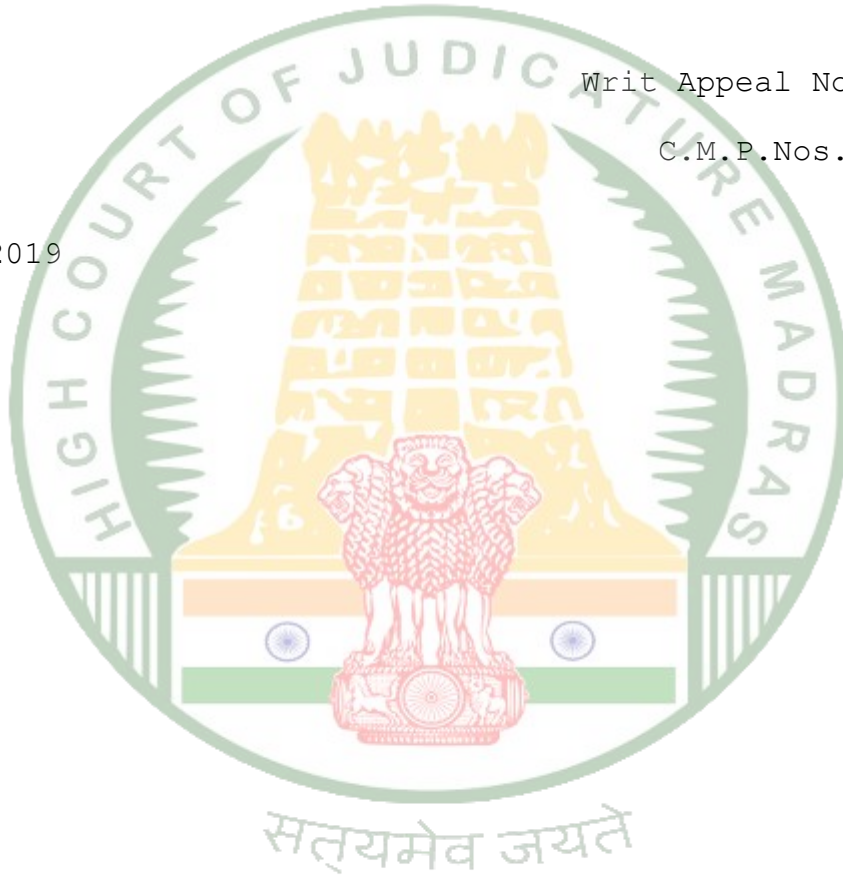
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+1cc to the Special Government Pleader(F), S.R.No.62197

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NR(CO)
CS/03/10/2019



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