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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2019

CORUM

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

Writ Appeal No.81 of 2018
and
C.M.P.No.773 of 2018

1.Government of Tamil Nadu
represented by its Secretary,
Environment and Forest Department,
Secretariat, Chennai - 600 009.

2.The Principal Chief Conservator of Forests
Having office at Panagal Maaligai,
Saidapet, Chennai - 600 015.

3.The District Forest Officer,
Nagapattinam District.

4.The Accountant General of Tamil Nadu
Office at DMS Compound,
Teynampet, Chennai - 600 018.

.... Appellants

Vs

C.Selvaraj

.... Respondent

APPEAL filed under Clause 15 of the Letters Patent to set aside the order passed by this Honble Court dated 18.01.2016 made in W.P.No.40004 of 2015.

WP Prayer:Writ Petition filed under Article 226 of the constitution of India parying 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 1.5.1992 till 6.8.2009 along with the regular service rendered by him as Plot Watcher (Supernumerary Post) from 7.8.2009 till the date of his retirement namely 31.10.2015 as qualifying service send the revised proposal to the fourth respondent grant pension to the petitioner with all consequential monetary benefits



For Appellants : Ms.Thanga Vadhana Balakrishnan, AGP (F)

J U D G M E N T

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

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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 appeals with liberty to file a review petition.

3. In view of the memo dated 29.07.2019 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-VIII)

//True Copy//

Sub Assistant Registrar

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TO

- 1.Government of Tamil Nadu
represented by its Secretary,
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+1cc to the spl Government Pleader (Forest), S.R.No. 64386

BP(CO)
CB(25/09/2019)

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