

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.03.2019
CORAM

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

W.A.No.1515 of 2016
and
C.M.P.Nos.18809 and 18810 of 2016

Dr.C.Maharajan

... Appellant

Vs.

- 1.The Principal Secretary
to Government of Tamil Nadu,
Department of Higher Education,
Fort St.George,
Chennai - 600 009.
 - 2.The Commissioner of Technical Education,
Office of the Directorate of
Technical Education,
Guindy, Chennai - 600 025.
 - 3.The Board of Trustees of
P.T.Lee Chengalvaraya Naicker Trust,
Rep.by its Secretary,
2-3, EVK Sampath Salai,
Vepery, Chennai - 600 007.
 - 4.The Governing Council of
P.T.Lee Chengalvaraya Naicker Polytechnic College,
Rep.by its Member Secretary,
The Principal,
P.T.Lee Chengalvaraya Naicker Polytechnic College,
2-3, EVK Sampath Salai,
Vepery, Chennai - 600 007.
- ... Respondents

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Prayer:

Writ appeal filed under Clause 15 of the Letters Patent against the order dated 19.10.2016 made in W.P.No.33573 of 2016.

Prayer in W.P.No.33573 of 2016:

Writ Appeal filed under Clause 15 of the Letters patent against the order dated 19.10.2016 made in WP.NO.33573 of 2016.

Petition under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration , Declaring the order issued in proceedings in vide Proc. No. P.T. Lee CNT/A1/1197/16 dt 8.9.2016 on the file of the 3rd respondent as illegal, invalid, void and unconstitutional and direct the respondents to continue the petitioners services as Correspondent in P.T. Lee Chengalvaraya Naicker Trust situated at Vepery, Chennai 7 and pay all statutory emoluments attached to the office of Correspondent in P.T. Lee Chengalvaraya Naicker Trust with all arrears forthwith to the petitioner.

For Appellant : Mr.R.Natarajan

For Respondents: Mrs.A.Srijeyanthi
Special Government Pleader
for R1 and R2
Mr.M.R.Jothimanian
for R3 and R4

J U D G M E N T

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

The appellant filed a writ petition in W.P.No.33573 of 2016, challenging the proceedings dated 08.09.2016, recalling the earlier order directing extension of his service. The writ petition was dismissed by the learned Single Judge. The order dated 19.10.2016, is under challenge at the instance of the unsuccessful writ petitioner.

2. When the intra Court appeal came up for hearing on 20.03.2019, we put a question to the learned counsel for the appellant as to how he could claim the appointment on regular basis in view of the order appointing him as Registrar for a prescribed period. In fact,

the Notification itself was issued making it very clear that the appointment is for a particular period. When that was pointed out, the learned counsel for the appellant fairly submitted that the appellant is claiming only salary for a period of three months, taking into account the decision taken by the Board to grant such extension.

3. The learned counsel for the respondents 3 and 4 took time to take instructions.

4. When the appeal is taken up for hearing today, the learned counsel for the Management produced a Cheque for a sum of Rs.42,408/-, dated 21.03.2019, in the name of the appellant, being the arrears of salary for a period of three months, after deducting 27 days salary, which has already been paid to the appellant. The Cheque was handed over to the learned counsel for the appellant on acknowledgement.

5. Since the parties have settled the matter as indicated above, nothing survives for adjudication in the intra Court Appeal.

6. The intra court appeal is disposed of with the above observation. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

ms/pri

1. The Principal Secretary
to Government of Tamil Nadu,
Department of Higher Education,
Fort St. George,
Chennai - 600 009.

2. The Commissioner of Technical Education,
Office of the Directorate of
Technical Education,
Guindy, Chennai - 600 025.

+1 cc to Government Pleader SR.NO. 29136

+1cc to Mr.M.R.Jothimanian , Advocate SR.No. 27955

W.A.No.1515 of 2016
and
C.M.P.Nos.18809 and 18810 of 2016
A.SK(06/05/2019)