



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.07.2019
CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

**W.A(MD)NO.683 OF 2019
and
C.M.P(MD)No.5987 of 2019**

The Director,
The Gandhigram Institute of Rural Health and Family
Welfare Trust,
Soundaram Nagar,
Ambathurai,
Gandhigram Post-624 302,
Dindigul District.

: Appellant/Respondent

.vs.

D.Usha Rani

: Respondent/Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.1164 of 2019, dated 26.02.2019.

Prayer in WP(MD). 1164/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondent i.e., the Director of the Gandhigram Institute of Rural Health and Family welfare Trust, Gandhigram, Dindigul District to take immediate action to disburse the Encashment of Leave Salary to the petitioner, within a specified time frame.

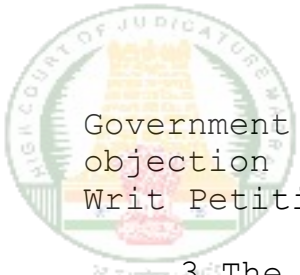
For Appellant : Mr.V.Vijayshankar
For Respondent : Mr.S.Visvalingam

JUDGMENT

[Judgment of the Court was made by **K.RAVICHANDRABAABU, J.**]

This Writ Appeal is directed against the order of the Writ Court made in W.P(MD)No.1164 of 2019, dated 26.02.2019.

2.The respondent before the Writ Court is the appellant. The Writ Petition was filed seeking for a direction to the respondent to disburse the encashment of leave salary to the Writ Petitioner. The said Writ Petition was heard and disposed of by the Writ Court by recording that the learned



Government Advocate appearing for the respondent has no serious objection to the submissions made by the learned counsel for the Writ Petitioner.

3. The present Writ Appeal is filed mainly by contending that the Government Advocate, who appeared for the respondent before the Writ Court, was not authorized to appear for the respondent, since there is a separate Panel Counsel for the respondent/appellant herein. It is further contended that no notice was issued in the Writ Petition to the respondent therein/appellant herein before passing the said order. Since it is stated that the learned Government Advocate is not an authorized counsel and that there is a separate Panel of Counsels nominated by the respondent to appear on their behalf and in view of the fact that no such authorized panel counsel appeared and argued the matter before the Writ Court, we are of the view that it is better the matter is remitted back to the Writ Court for rehearing the matter afresh so as to enable the appellant to place their case before the Writ Court, in order to arrive at a just and proper conclusion in this matter.

4. Accordingly, without expressing any view on the merits of the claim made by the respective parties as well as the findings rendered by the Writ Court, the order passed by the Writ Court is set aside and the matter is remitted back to the Writ Court only on the ground that the respondent was not represented by an authorized counsel and no counter is filed on behalf of the respondent as well.

5. Accordingly, the Writ Appeal is allowed and the order of the Writ Court is set aside. Consequently, the matter is remitted back to the Writ Court for rehearing the matter afresh and pass appropriate orders on merits and in accordance with law, after hearing both sides. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

+1 CC to Mr.S.VISVALINGAM, Advocate (SR-76961[F] dated 23/07/2019)
+1 CC to Mr.V.KARTHIKEYAN, Advocate (SR-77036[F] dated 23/07/2019)

JUDGMENT MADE IN
W.A(MD) NO.683 OF 2019

and
C.M.P(MD) No.5987 of 2019
23.07.2019