



WEB COPY

W.A.(MD) No.900 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD) No.900 of 2019

and

C.M.P. (MD) No.8069 of 2019

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The District Revenue Officer,
O/o. The District Revenue Officer,
Madurai.
- 3.The Revenue Divisional Officer,
Usilampatti, Madurai District.
- 4.The Tahsildar,
Peraiyur Taluk,
Madurai District.

... Appellants

-vs-

R.Thirupathi

... Respondent

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 05.03.2019, passed in W.P.(MD) No.17418 of 2015, on the file of this Court.

Prayer in WP(MD). 17418/ 2015 :

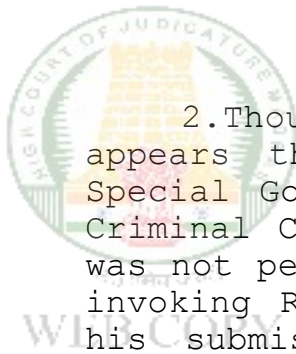
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of mandamus, directing the Respondents 1 to 4 to provide the Gratuity Funds, Provident Funds and all other consequential terminal benefits to the petitioner.

For Appellants : Mr.A.K.Baskarapandian
Special Government Pleader

J U D G M E N T

[Judgment of the Court was made by T.S.SIVAGNANAM, J.]

The Writ Appeal is directed against the order dated 05.03.2019, passed in W.P.(MD) No.17418 of 2015. The Writ Petition was filed by the respondent to direct the appellants herein to provide pension and all other terminal benefits to him.



2.Though the Writ Petition was pending from the year 2015, it appears that no counter affidavit has been filed. The learned Special Government Pleader for the appellants would submit that a Criminal Case is pending against the respondent and the respondent was not permitted to retire on attaining the age of superannuation, invoking Rule 56(1)(C) of the Fundamental Rules. Therefore, it is his submission that the direction issued in the Writ Petition requires interference.

3.In our considered view, this point was not canvassed in the Writ Petition and therefore, by raising this issue, we cannot be called upon to test the correctness of the order. If at all there are any factual errors or errors apparent on the face of the order, the only remedy is to file a review petition.

4.Therefore, while disposing this Writ Appeal, we leave it open to the appellants to file review application as against the order passed in the Writ Petition, if they are so advised. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

sj

To:

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