



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A.[MD]No.1055 of 2019

and

C.M.P.[MD]Nos.9653 to 9655 of 2019

WEB COPY

- 1.V.Hari Radhakrishnan
- 2.T.Radhakrishnan
- 3.K.Elangovan
- 4.M.R.Sivaramakrishnan
- 5.Bhaskaran Dhanaraj
- 6.G.Poongothai
- 7.K.Tamilarasi
- 8.G.Naveenatharangan
- 9.K.Dharmaraj
- 10.R.Dhandapani
- 11.T.Gunasekaran

: Petitioners/Proposed Appellants/
Petitioners

Vs.

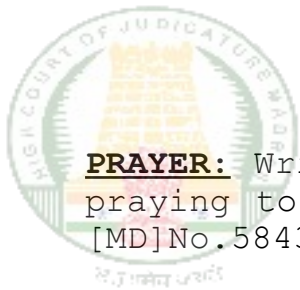
- 1.N.Anbarasu : Petitioner in Writ Petition/Respondent/
Respondent

- 2.The Principal Secretary,
Tourism, Culture & Religious Endowments (T2) Dept.,
Fort St. George,
Chennai - 600 009.

- 3.The Commissioner of Tourism,
Tamil Nadu Tourism Complex,
Wallajah Road,
Chennai - 600 002. ... 1 & 2 Respondent in Writ Petition/
Respondent/Respondent

- 4.A.Raman
- 5.P.Vijayalakshmi
- 6.M.Rajan
- 7.S.Rajaram
- 8.T.R.Suresh
- 9.S.Anand
- 10.Manimehalai

: Respondents in Writ Petition/
Respondents/Respondents



PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, praying to set aside the order of the learned Judge passed in W.P. [MD]No.5843 of 2018 dated 16.08.2019 and allow the writ appeal.

Prayer in WP(MD). 5843 of 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari to call for the records pertaining to the impugned orders in G.O.(D).No. 14 dated 23/01/2016 , G.O.(D).No.126 and 127 dated 02/09/2016 and G.O. (Ms) No.224 dated 16/10/2017 of Tourism, Culture and Religious Endowments (T2) Department, on the file of Respondent No.1. and quash the same as illegal within the time stipulated by this Honourable Court.

For Appellant	: Mr.L.P.Maurya
For Respondent No.1	: Mr.T.Lajapathi Roy
For Respondents 2&3	: Mr.A.K.Baskara Pandian
	Special Government Pleader
For Respondents 4 to 7	: Mr.G.Prabhu Rajadurai

JUDGMENT

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

This Writ Appeal has been filed by the third party to the writ petition who had been granted leave to file appeal by this Court.

2.The substantive writ petition namely W.P.[MD]No.5843 of 2018 was filed by Thiru.Anbarasu, the first respondent in this appeal. The prayer sought for in the said writ petition was to issue a Writ of Certiorari to quash the Government Orders in G.O.(D)No.14 dated 23.01.2016, G.O.(D)No.126 and 127 dated 02.09.2016 and G.O.[Ms] No.224 dated 16.10.2017 of Tourism, Culture and Religious Endowments (T2) Department.

3.In this appeal, the appellants are aggrieved by the order passed by the learned Writ Court insofar as it quashes G.O.[Ms] No.224 dated 16.10.2017. The reason for the appellants filing this appeal is primarily on the ground that they were not heard by the learned Writ Court before the order was passed. Having been satisfied that the appellants should have been heard in the matter, we have granted leave for filing this appeal. The second grievance of the appellants is that neither the writ petitioner Thiru.Anbarasu, nor the private respondents, some of whom have filed separate writ petitions, were never aggrieved by the benefit given to the appellants in G.O.[Ms]No.224 dated 16.10.2017. This is so, because, the appellants before us are all retired employees of the Tourism Department and the said Government Order had granted benefit to those employees and directed regularisation of their services with effect from the year 1992. On account of the order passed in



the writ petition, the Government order has been set aside in its entirety.

4. In our considered view, that should not have been so because none were aggrieved by the relief granted to the respondents / retired employees. Therefore, it would suffice if we clarify that the order passed by the learned Writ Court quashing G.O.[Ms]No.224 dated 16.10.2017, shall be confined only to such of those employees who are in service, some of whom are already on appeal before us in W.A.[MD]Nos.1008 to 1010 of 2019. The original writ petitioner Thiru.Anbarasu, who had filed W.P.[MD]No.5843 of 2018, does not challenge the relief granted by the Government to the appellants herein in G.O.[Ms]No.224 dated 16.10.2017. Thus, the grievance of the appellants has to be necessarily redressed.

5. For the above reason, this appeal is allowed and the order and direction issued in the writ petition insofar as it concerns the interest of the appellants alone is set aside and the benefit of the G.O.[Ms]No.224 dated 16.10.2017, shall continue to apply to the appellants and consequently the appellants shall be entitled to all the other benefits which will accrue to them pursuant to the Government order.

6. After we dictated the judgment, learned Counsel for the appellants submitted that since all the appellants are senior citizens and they have not been given the benefits of the Government Orders, an outer time limit may be fixed for implementation of the consequential benefits which shall flow from the Government Order. Considering the fact that already the appellants had retired from service and there are also other similarly placed persons who had not come to Court and the Government in principle has decided to grant the benefit, the beneficial and other notional service benefits should reach the retired employees at the earliest. We direct the Government and the official respondents to take all steps to implement the Government Order and extend all benefits flowing therefrom within a period of three [3] months from the date of receipt of a copy of the judgment.

7. Accordingly, this Writ Appeal stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

MR



To

1.The Principal Secretary,
Tourism, Culture & Religious Endowments (T2) Dept.,
Fort St. George,
Chennai - 600 009.

2.The Commissioner of Tourism,
Tamil Nadu Tourism Complex,
Wallajah Road,
Chennai - 600 002.

JUDGMENT MADE IN
W.A.[MD]No.1055 of 2019
Dated: 15.10.2019

NS (CO)
TR(13.11.2019) 4P 3C