

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.Nos.31519 of 2007
and M.P.No. 2 of 2007

M.S.Kumaresan

... Petitioner

Vs.

1.The Department of Rural Development and
Panchayat (E5) Department,
Rep by its Secretary,
Fort St.George,
Madras.

2.Director of Rural Development and
Panchayat Raj,
Panagal Building,
Saidapet, Chennai - 15.

3.The District Collector,
Salem, Salem District.

4.Block Development Officer,
(Village Panchayat),
Meichery Union, Mettur T.K.,
Salem District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the order passed by the 1st respondent in G.O.(Rt.)No.175 dated 05.12.2006 and quash the same insofar as the Clause VII of the Annexure which prescribes the age of retirement as 58 years, as the same is against the statutory and Fundamental Rules insofar as the last grade Government servant is concerned in respect of the petitioner.

For Petitioner : Mr.M.Baskar
No appearance

For Respondents: Mr.K.Magesh
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent in G.O.(Rt.)No.175 dated 05.12.2006 and quash the same insofar as the Clause VII of the Annexure which prescribes the age of retirement as 58 years, as the same is against the statutory and Fundamental Rules insofar as the last grade Government servant is concerned in respect of the petitioner.

2. When the matter is taken up for hearing today, there is no representation on behalf of the petitioner.

3. During the pendency of the writ petition, the petitioner filed another writ petition in W.P.No.34205 of 2007 before this Court and the same was dismissed by this Court on 31.10.2007, citing the decision of the Bombay High Court in W.P.No.719 of 2000 dated 30.01.2001 in "Transport & Dock Worker Union Board of Trustees Vs Port of Bombay". Challenging the said order, the petitioner filed the Writ Appeal and since the writ appeal was filed with a delay of 1959 days, the same was dismissed at the SR stage itself in M.P.No.1 of 2013 in W.A.Sr.No.36213 of 2013. As the petitioner did not file any further appeal, the order of this Court in W.P.No.34205 of 2007 dated 31.10.2007 is final and the writ petition is liable to be dismissed.

4. In view of the order passed by this Court dated 31.10.2017, this Writ Petition is dismissed. No costs. Connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

sni
To

1.The Secretary,
Department of Rural Development and
Panchayat (E5) Department,
Fort St.George, Madras.

2.Director of Rural Development and Panchayat Raj,
Panagal Building,
Saidapet, Chennai - 15.

3.The District Collector,
Salem, Salem District.

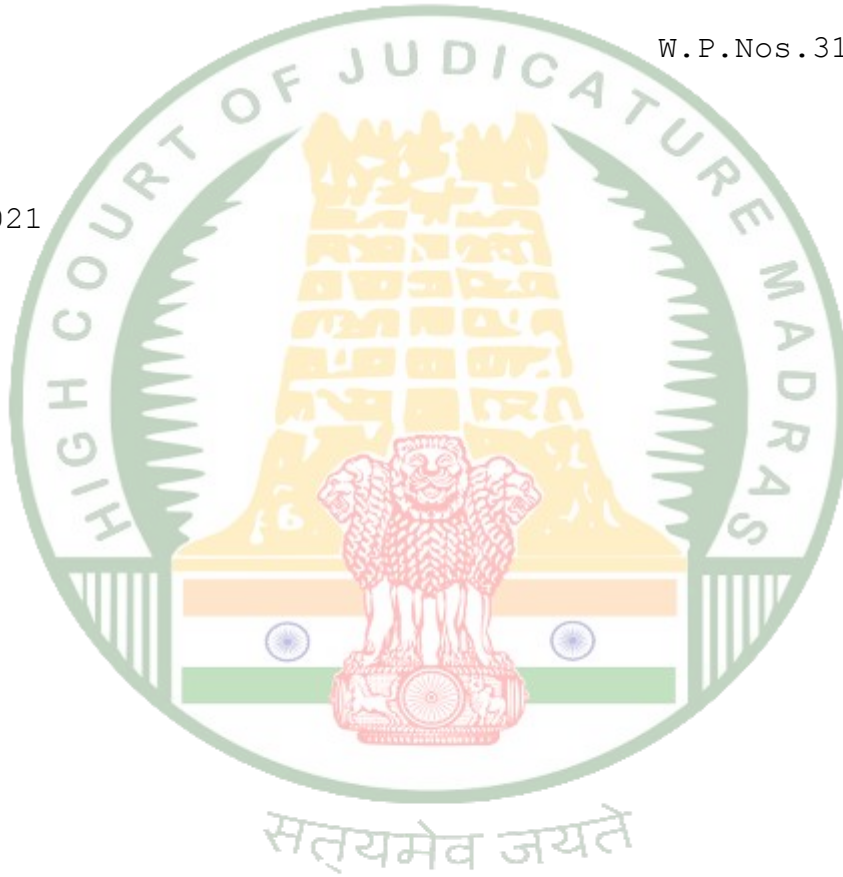
4.Block Development Officer, (Village Panchayat),
Meichery Union, Mettur T.K.,
Salem District.

+1 cc to M/s.Special Government Pleader sr39327

+1 cc to M/s.K.Magesh Special Government Pleader sr39028

W.P.Nos.31519 of 2007

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