



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2020

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR.JUSTICE T.RAVINDRAN**

**W.A(MD)No.208 of 2020
and
C.M.P(MD)No.1417 of 2020**

- 1.The Government of Tamil Nadu,
Rep. by its Secretary,
Municipal Administration and Water Supply,
Fort Saint George,
Chennai.
- 2.The District Collector,
Thoothukudi District.
- 3.The Executive Officer,
Town Panchayat, Srivaikuntam,
Thoothukudi - 628 601. ... Appellants / Respondents

Vs.

K.Maalai ... Respondent / Writ Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 03.06.2019 made in W.P(MD)No.806 of 2013 on the file of this Court.

Prayer in WP(MD). 806/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the impugned order in Na.ka.No.150/2010 dated 27.08.10 on the file of the 3rd Respondent and quash the same and further directing the 3rd Respondent to 5% special pay recovered by the 3rd Respondent for the period 01.09.98 to 31.12.06 and further revising the salary of the Petitioner by considering the 5% special pay and to pay the arrears accrued and further directing 3rd Respondent to pay the interest on the Provident Fund disbursed to the Petitioner.



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For Appellants

: Mr.K.Chellapandian,
Additional Advocate General.
Assisted by
Mr.VR.Shanmuganathan,
Special Government Pleader.

For Respondent

: Mr.G.Prabhu Rajadurai

JUDGMENT

(Judgment of the Court was delivered by **M.DURAISWAMY, J.**)

Challenging the order passed by the learned Single Judge in W.P (MD)No.806 of 2013 dated 03.06.2019 the appellants have filed the above Writ Appeal.

2.Mr.K.Chellapandian, learned Additional Advocate General appearing for the appellants / respondents submitted that so far as the fixation of salary is concerned, as per the order passed by the learned Single Judge in the Writ Petition, the third respondent called for enquiry, calling upon the respondent / writ petitioner to appear before him on 12.02.2020 at 11.00 a.m., and on the same day, the third respondent also passed the order, re-fixing the salary of the respondent / writ petitioner.

3.If the respondent / writ petitioner is aggrieved over the order dated 12.02.2020 with regard to the fixation of the salary, it is open to the respondent / writ petitioner to challenge the same in accordance with law.

4.So far as the payment of Rs.26,561/- to the respondent / writ petitioner is concerned, the learned Additional Advocate General submitted that the Demand Draft has been issued to the respondent / writ petitioner and the same was acknowledged.

5.The learned counsel appearing for the respondent / writ petitioner also submitted that the respondent / writ petitioner had received the Demand Draft.

6.In view of the above, it is clear that the appellants / respondents have complied with the orders of the learned Single Judge made in W.P(MD)No.806 of 2013 dated 03.06.2019.

7.The appellants / respondents are at liberty to make suitable representation before the learned Single Judge in the Contempt Petition.



8.In these circumstances, we do not find any reason to keep the Writ Appeal pending. Accordingly, the Writ Appeal is closed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ps

To

1.The Secretary,
Rep. by the Government of Tamil Nadu,
Municipal Administration and Water Supply,
Fort Saint George,
Chennai.

2.The District Collector,
Thoothukudi District.

3.The Executive Officer,
Town Panchayat, Srivaikuntam,
Thoothukudi - 628 601.

+1 CC to M/s.SPL.GP (SR-6788[F] dated 18/02/2020)

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-6962[F] dated 18/02/2020)

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17.02.2020**

JMN(26.02.2020) 3P : 6C