



WEB COPY

W.A.(MD) No.1335 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

and

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.A. (MD) No.1335 of 2019

and

C.M.P. (MD) No.11294 of 2019

The Principal
Mohamed Sathak Polytechnic College
East Coast Road
Kilakarai-623 806
Ramanathapuram District

... Appellant

-vs-

1.P.Palanichamy

2.The Director of Technical Education
Sardar Patel Road
Guindy, Chennai-600 025

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 02.08.2019, passed in W.P.(MD) No.10552 of 2017, on the file of this Court.

Prayer in WP(MD). 10552/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the second respondent i.e., the Principal, Mohamed Sathak Polytechnic College, Kilakarai to carry out the directions of the Director of Technical Education, Chennai by sending revised pension proposals within a specified time frame that may be fixed by this Honble High Court.

For Appellant : Mr.J.Barathan

For Respondents : Mr.S.Visvalingam for R1
Mr.V.R.Shanmuganathan
Special Government Pleader for R2



J U D G M E N T

[Judgment of the Court was made by M.DURAISWAMY, J.]

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Challenging the order, dated 02.08.2019, passed in W.P.(MD) No.10552 of 2017 by the learned Single Judge, the second respondent in the writ petition has filed the above writ appeal.

2. The first respondent / writ petitioner filed the writ petition in W.P.(MD) No.10552 of 2017 to issue a writ of mandamus directing the appellant / second respondent to carry out the directions of the second respondent / Director of Technical Education by sending revised pension proposals, within a time frame.

3. The learned Single Judge, taking into consideration the case of both the parties, disposed of the writ petition, by dated 02.08.2019, with the following directions:

"5. Considering the facts and circumstances of the case and also considering the fact that the second respondent has already received a communication, dated 18.01.2017 and the same has not been re-submitted by the first respondent, this court is inclined to dispose of the Writ Petition with the following directions:

(i) The petitioner is directed to send a representation to the second respondent to make necessary entries in his Service Register, within a week from the date of receipt of a copy of this order.

(ii) On such representation made by the petitioner, the second respondent is directed to make necessary entries in the Service Register, as per the communication of the first respondent, dated 18.01.2017 and re-submit the proposal to them within a period of four weeks, thereafter.

(iv) Thereafter, the first respondent is directed to pass appropriate orders in the said proposal as expeditiously as possible."

4. When the writ appeal is taken up for hearing, the learned counsel appearing for the first respondent / writ petitioner filed a reply to the grounds of appeal, dated 31.01.2020, stating that the first respondent / writ petitioner has no objection to allow the writ appeal with liberty to file a fresh writ petition based on the further orders to be passed by the Government as per G.O.Ms.No.381, Finance (Pay Cell) Department, dated 04.12.2019. Reiterating the same, the learned counsel appearing for the first respondent / writ petitioner submitted that the writ appeal may be disposed of with



liberty to the first respondent / writ petitioner as stated in the reply to the grounds of appeal.

5. The learned counsel appearing for the appellant and the learned Special Government Pleader appearing for the second respondent have no objection for giving such liberty to the first respondent / writ petitioner.

6. Having regard to the submissions made by the learned counsel appearing on either side and also taking into consideration the reply to the grounds of appeal filed by the first respondent / writ petitioner, dated 31.01.2020, the writ appeal is allowed. The order, dated 02.08.2019, passed in W.P.(MD) No.10552 of 2017 by the learned Single Judge, is set aside. Liberty is given to the first respondent / writ petitioner to file a fresh writ petition based on the further orders to be passed by the Government as per G.O.Ms.No.381, Finance (Pay Cell) Department, dated 04.12.2019. No costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

The Director of Technical Education,
Sardar Patel Road,
Guindy, Chennai-600 025.

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-4614[F] dated 04/02/2020)

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-5000[F] dated 06/02/2020)

W.A. (MD) No.1335 of 2019

and

C.M.P. (MD) No.11294 of 2019

04.02.2020

KK/SAR/13.02.2020/3P-4C/