

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 27.01.2021

Coram::

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

A.S.No.145 of 1994

1. The Joint Director of School Education,
(Secondary Education). College Road,
Nungambakkam, Madras – 6.
2. The State of Tamil Nadu,
rep by its Commissioner and Secretary to Government,
Fort St.George, Madras – 9. ... Appellants

/versus/

1. B.Anuradha,
W/o.P.Balasubramanian,
2. The Correspondent,
Singaram Pillari Girls Higher Secondary School,
Villivakkam, Madras – 49. ... Respondents

Prayer: Appeal is filed under Section 54 of the Land Acquisition Act, against the judgment and decree of the Learned Subordinate Judge of II Additional Judge, City Civil Court, Madras in O.S.No.3857 of 1987 dated 28th day of September 1992.

For Appellants : Mr.J.Balagopal, Spl.G.P. (AS)

For Respondents : No appearance

JUDGMENT

The appeal is preferred by the state being aggrieved by the decree passed by the Trial Court in O.S.No.3857 of 1987, fastening liability jointly and severally against them along with the Management.

2. In this appeal, the State has contended that the Trial Court has failed to see that the statutory appeal filed by the plaintiff for reinstatement with backwages was allowed by the 2nd defendant and therefore, they are not liable for any financial obligation payable by the Management.

3. In the connected appeal in A.S.No.251 of 1993 filed by the Management, this Court has dealt at length about the merits of the Trial Court judgment. It is suffice to say that in the appeal, this Court has held that the Management (i.e.,) 2nd respondent herein alone is liable to pay the decretal amount and not the appellant herein.

4. Hence, this Appeal filed by the State to exonerate from paying the decretal amount since they are not at fault is allowed. Accordingly, the judgment and decree passed by the Trial Court in O.S.No.3857 of 1987 is hereby confirmed with modification to an extent the liability shall be restricted to 1st defendant exonerating

the appellants herein. With costs.

27.01.2021

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Index :Yes/No

Speaking order/Non-speaking order.

To:-

1.The II Additional Judge, City Civil Court, Madras.

*2. The Joint Director of School Education,
(Secondary Education). College Road,
Nungambakkam, Madras – 6.*

*3. The Commissioner and Secretary to Government,
The State of Tamil Nadu,
Fort St.George, Madras – 9.*

4.The Section Officer, V.R.Section, High Court, Madras.

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Dr.G.Jayachandran,J.

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