



WEB COPY



W.A.No.1756 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2022

CORAM

The Hon'ble Mr. Justice **PARESH UPADHYAY**
and
The Hon'ble Mrs. Justice **V.BHAVANI SUBBAROYAN**

W.A.No.1756 of 2022
& C.M.P.No.12764 of 2022

1.Government of Tamil Nadu,
Rep., by its Principal Secretary to Government,
Environment and Forest Department,
Fort St. George, Chennai-600 009.

2.The Principal Chief Conservator of Forests,
Head of Forest Force,
No.1, Genies Road, Panagal Maligai,
Saidapet, Chennai-15.

3.The District Forest Officer,
Interfaced Forest Division(IFF),
Krishnagiri, Krishnagiri District.

.. Appellants

Vs.

1.M.Krishnan

2.The Accountant General of Tamil Nadu,
Office of the Accountant General,
Anna Salai, Teynampet, Chennai-18.

.. Respondents

Appeal preferred under Clause 15 of Letters Patent against the
order dated 19.01.2016 made in W.P.No.39393 of 2015.

For Appellant : Mr.S.Silambanan,
Additional Advocate General
assisted by
Mr.Stalin Abimanyu,
Additional Government Pleader



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JUDGMENT

(Delivered by *PARESH UPADHYAY, J.*)

1. Challenge in this appeal is made to the order dated 19.01.2016 recorded on W.P.No.39393 of 2015. This appeal is by the state authorities.

2. There was inordinate and less explained delay of 2259 days in filing this appeal. By a separate order today, while hearing the said delay condonation petition, we have taken up this appeal for hearing on merits.

3. Learned Additional Advocate General for the appellant – State Authorities has submitted that the writ petitioner was not entitled to any relief and the order passed by the learned single Judge needs to be interfered with. It is submitted that this appeal be entertained.

4. Having heard learned Additional Advocate General for the appellant – State Authorities and having considered the material on record, more particularly, the finding recorded by learned single Judge, we find that it is not in dispute that the writ petitioner was in



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employment for the period from 1986 to 2009. After his retirement, he is not paid his terminal dues, including pension. A poor man waited for years and then approached this Court. Learned single Judge has exercised his power under Article 226 of the Constitution of India and granted that relief, which the writ petitioner, according to us, was entitled to. Not regularising the service of the writ petitioner for decades, which itself would speak about arbitrary exercise of power, can not be permitted to be taken as a ground to deny the relief to him. We do not consider grant of relief to the writ petitioner by the learned single Judge, in this back ground, to be erroneous much less any error apparent on face of record. Invoking powers under Clause 15 of the Letters Patent, in this background would not be proper. This appeal is therefore needs to be dismissed.

5. For the above reasons, this appeal is dismissed. No costs. Connected miscellaneous petition would not survive.

(P.U., J) (V.B.S., J)
01.08.2022

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To

- 1.The Accountant General of Tamil Nadu,
Office of the Accountant General,
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**PARESH UPADHYAY, J.
and
V.BHAVANI SUBBAROYAN, J.**

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