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W.P.No.29092 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2022

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.29092 of 2022

R.Panchapagesan

... Petitioner

Vs.

1.The Principal Secretary to Govt.,
Highways and Minor Ports (HL-I) Dept.,
Secretariat,
Fort St.George,
Chennai - 600 009.

2.The Director General,
Highways and Rural Works,
Chepauk, Chennai - 5.

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing respondents to disburse the retiral benefits due to the petitioner in accordance to the order passed in W.P.No.12423 of 2014 dated 16.09.2014 along with interest applicable and to further refix the pensionary benefits taking into consideration the age of the petitioner (77 years) in accordance to the Government Orders and to conclude the disciplinary proceedings within a stipulated time limit to be fixed by this Court.



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For Petitioner : Ms.Malarvizhi Udayakumar

For Respondents : Mr.E.Sundaram
Government Advocate
for R1 and R2

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the respondents to disburse the retiral benefits due to the petitioner in accordance with the order passed by this Court on 16.09.2014 in W.P.No.12423 of 2014.

2. It is now brought to the notice of this Court by the learned Government Advocate appearing for the respondents that the respondents have preferred a Writ Appeal in W.A.No.300 of 2018, aggrieved by the order dated 16.09.2014 passed by a learned Single Judge of this Court in W.P.No.12423 of 2014, which the petitioner seeks to implement.

3. Since the Writ Appeal has already been filed, aggrieved by the order dated 16.09.2014, by the respondents, the question of entertaining this Writ Petition at this stage will not arise. The petitioner will have to necessarily wait for the outcome of the Writ Appeal or if he seeks



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implementation of the order dated 16.09.2014 passed in W.P.No.12423 of 2014, he has to necessarily approach the Division Bench and not this Court.

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4. Accordingly, this Writ Petition is disposed of on the above terms.

No Costs.

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Index : Yes/No
Speaking Order : Yes / No
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To

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ABDUL QUDDHOSE. J.,

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