



WEB COPY



W.A.No.2873 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2023

CORAM

THE HON'BLE Mr. JUSTICE R.SURESH KUMAR
AND
THE HON'BLE Mr. JUSTICE G.ARUL MURUGAN

W.A.No.2873 of 2019 and
W.M.P.No.18469 of 2019

1.The Government of Tamil Nadu
represented by its Secretary,
Environment and Forest Department,
Secretariat, Chennai – 9.

2.The Principal Chief Conservator of Forests,
Having Office at Panagal Maaligai,
Saidapet, Chennai – 600 015.

3.The District Forest Officer, Vellore.

4.The Accountant General of Tamil Nadu,
Office at D.M.S. Compound,
Teynampet, Chennai – 600 018.

... Appellants

Vs.

M.Balakrishnan

... Respondent

Prayer : Appeal filed under Clause 15 of the Letters Patent Act, praying
to set aside the order dated 01.07.2015 made in W.P.No.19236 of 2015.

For Appellants : Mr.M.Murali
Government Advocate

For Respondents : Mr.S.Mani



W.A.No.2873 of 2019

JUDGMENT

WEB COPY(Judgment of the Court was delivered by R.SURESH KUMAR, J.)

This appeal has been directed against the order passed by the Writ Court dated 01.07.2015 made in W.P.No.19236 of 2015.

2. Today when the writ appeal is taken up for hearing, Mr.M.Murali, learned Government Advocate appearing for the appellants has submitted that, during the pendency of the writ appeal, the Government has decided to implement the orders passed by the Writ Court and accordingly a combined Government Order in G.O.(3D).No.20 dated 28.04.2016 was issued where not only the present respondent but 90 similarly placed persons including the present respondent whose name at Sl.No.89 have been given the benefit calculating the 50% of the past service for the purpose of pensionary benefits. Making the submission, the learned Government Advocate has produced a copy of the Government Order dated 28.04.2016 in G.O.(3D).No.20.

3. This position is not controverted by Mr.S.Mani, learned counsel appearing for the respondent.



W.A.No.2873 of 2019

WEB COPY

4. However, interestingly it is to be noted that, though this writ appeal has been filed in the year 2015, it has got numbered only in the year 2019, at the time when this writ appeal was numbered already this G.O.(3D).No.20 dated 28.04.2016 was issued where the benefit had already been extended to the respondent.

5. Despite this factor, without taking notice of the same, since the appellants pursued this appeal, it has been numbered and notice had been ordered sometime in 2019 and all these years this appeal has been kept pending.

6. When this kind of intra Court appeals are filed, before pursuing the same, the Government Departments concerned must verify whether the Government or the concerned Department have taken any decision in favour of the employees in whose favour writ Courts passed orders against which such intra Court appeals are intended to be filed, thereafter it can be persuaded so that this kind of unwarranted litigations can be avoided by kept pending before this Court for years together.



W.A.No.2873 of 2019

7. This is one of such case where this intra Court appeal has been persuaded in the year 2019 despite the orders were complied with in the year 2016 itself and for all these years this appeal has been kept pending.

8. Recording the aforesaid, we feel that, this writ appeal can be disposed of accordingly. Hence, this Writ Appeal is dismissed with aforesaid observations and recordings. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

[R.S.K., J.] [G.A.M., J.]
16.11.2023

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

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WEB COPY



W.A.No.2873 of 2019

R. SURESH KUMAR, J.
and
G.ARUL MURUGAN, J.

Sgl

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