



W.A.No.2855 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2023

CORAM :

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

**W.A.No.2855 of 2019
and C.M.P.No.18352 of 2019**

1.The Government of Tamil Nadu
Represented by its Secretary
Environment and Forest Department
Secretariat, Chennai 600 009.

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

3.The Divisional Forest Officer
Idaipadu Kadugal, Salem.

4.The Accountant General of Tamil Nadu
Office at DMS Compound, Teynampet
Chennai 600 018.

... Appellants

-Vs-

P.Perumal

... Respondent

Prayer : Writ Appeal under Clause 15 of the Letters Patent against the order in
W.P.No.17507 of 2015 dated 19.06.2015.

For Appellants : Mr.K.V.Sajeev Kumar
Special Government Pleader

For Respondent : No appearance



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J U D G M E N T

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

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This appeal has been directed against the order passed by the writ court dated 19.06.2015 made in W.P.No.17507 of 2015.

2. The respondent was initially appointed as a Plot Watcher on 01.08.1984 in the appellant Department on daily wage basis and he was regularized in service as Plot Watcher (supernumerary post) on 07.08.2009. Thereafter, he retired from service on 31.05.2015. After retirement, for getting pension 50% of the past service rendered by him prior to his regularization whether was to be taken into account or not was the issue raised in the writ petition, which was answered by the learned Judge through the impugned order, of course by following the earlier orders passed in W.A.Nos.27 and 28 of 2012 dated 13.02.2012 in the matter of **"Government of Tamil Nadu Rep. by its Secretary to the Government -Vs- M.Gopal)**. In fact, the said order of the Division Bench was confirmed by the Hon'ble Supreme Court in SLP Nos.14838 and 14839 of 2012 by order dated 10.05.2012.

3. Though this writ appeal is directed as against the said order passed by the writ Court dated 19.06.2015, subsequent to this order, the Government had come forward to comply with the orders of this Court along with similar orders passed in various lis. As those litigations were similarly placed like the present respondent, where the case of 90 such people like the respondent had been considered and



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50% of past service prior to their regularization has been taken into account for calculating total pensionable service.

4. In G.O.(3D) No.20 dated 28.04.2016, the list of 90 people have been annexed, wherein the respondent's name is found at Sl.No.33 with writ petition number ie., W.P.No.10507 of 2015. Though this implementation order has been made on 28.04.2016, it is unfortunate that, without even verifying such implementation the appellant department has chosen to file this writ appeal sometime in July 2016 which got numbered only in 2019.

5. Therefore, the aforesaid facts would speak for itself. It is a classic case which shows how the Government Departments are working, especially in the legal matters where this kind of further appeals are filed without taking into account the subsequent development, mechanically cases are filed before the appellate forum like the present one.

6. In view of the aforesaid facts, this writ appeal deserves to be dismissed with costs. However, this Court refrains itself from imposing costs, but inclined to give the following directions.

- Whenever the Government Departments decide to file appeal especially arising out of writ petitions by filing intra-court appeals



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under the Letters Patent Act, they must verify whether the order passed by the writ court has been complied with by the Department / respondent concerned to whom such direction has been given by the writ court.

- If at all any decision has already been taken or in the pipeline to comply with the order passed by the writ court, that shall also be taken into account and then only clearance should be given by the concerned department to file intra court appeal, so that this kind of unwarranted litigations could be avoided.

7. With the above directions, this writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

(R.S.K.,J..) (K.B.,J.)

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Index : Yes
Internet : Yes
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and
K.KUMARESH BABU, J.

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W.A.No. 2855 of 2019

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