



W.A.No.3662 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2023

WEB COPY

CORAM

THE HON'BLE Mr. JUSTICE R.SURESH KUMAR
AND
THE HON'BLE Mr. JUSTICE K.KUMARESH BABU

W.A.No.3662 of 2019 and
C.M.P.No.23322 of 2019

1.The State of Tamil Nadu rep. By its
The Secretary to Government,
Municipal Administration and Water
Supply Department,
Fort St. George, Chennai – 600 009.

2.The Director of Municipal Administration,
Ezhilagam, Chennai – 600 005.

... Appellants

Vs.

1.M.Ganesan
2.M.Natarajan
3.N.Prabakkaran
4.A.M.Kumar
5.C.Vaithyalingam
6.B.Maruthabalu
7.A.Balamurugan
8.T.Rammohan
9.M.Indirani

10.Salem Municipal Commissioner,
Rep. By its Commissioner,
Salem Corporation, Salem.
11.R.Venkatachalam
12.V.Dhanasekaran



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13.R.Alamelu

14.M.Thangaraj

15.G.R.Krishnamoorthy

... Respondents

[RR 5 to 8 are impleaded as per order
dated 23.7.1997 in WMP.No.16872/1997]

Prayer : Appeal filed under Clause 15 of the Letters Patent Act, praying
to set aside the order dated 28.01.2005 in W.P.No.6635 of 1997.

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

For Respondents : Mr.K.Sridhar
for M/s.K.Sridhar Associates
for R1, R4, R6, R8 and R9
: Ms.N.Devi for R10

JUDGMENT

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

This writ appeal has been directed against the order of the Writ Court dated 28.01.2005 made in W.P.No.6635 of 1997. The respondents were the writ petitioners who were the employees of the Salem Municipal Corporation.

2. With regard to certain service benefits that were denied by virtue of issuance of G.O.Ms.No.237 Municipal Administration and Water



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Supply Department dated 26.09.1996 and thereby such advantages had been given to some other employees other than these respondents. Only in that circumstances, the very G.O.Ms.No.237 itself was questioned by these respondents in the said writ petition which was allowed by the learned Judge through the impugned order dated 28.01.2005.

3. During the pendency of this writ appeal, the appellant had come forward to issue G.O.(Ms).No.45 on 12.04.2023 whereby set of guidelines have been issued under which the undue advantages that has been extended in G.O.Ms.No.237 to some type of employees other than these respondents since have been withdrawn, the benefits otherwise ought to have been conferred on these respondents have been conferred and the direction given by the learned Judge to give such service benefits to these respondents also have been extended or complied and insofar as these contesting respondents are concerned, most of them retired either on superannuation or on voluntary retirement basis except one i.e. respondent No.6 viz., B.Maruthabalu who would also get service benefits as he is presently working as Administrative Officer.



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4. This position has not been controverted by the learned counsel appearing for the contesting respondents.

5. In view of the aforestated position and the subsequent developments that has been taken place during the pendency of this writ appeal, the challenge that has been made against the impugned order passed by the Writ Court in this appeal become *otiose* and hence no further persuasive action is required in this appeal as it almost has become infructuous.

5. Recording the aforestated, this Writ Appeal is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

[R.S.K., J.]

[K.B., J.]

05.09.2023

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

Sgl

To



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The Commissioner,
Salem Municipal Commissioner,
Salem Corporation, Salem.



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