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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04-03-2024

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**THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM
And
THE HONOURABLE MR. JUSTICE K.RAJASEKAR**

WP No.36942 of 2007

B.Kulamani

.. Petitioner

-VS-

1.The Registrar General of High Court,
Chennai-600 104.

2.The Secretary to Government,
Home (Cts.IA) Department,
Government of Tamil Nadu,
Fort St. George,
Chennai-600 009.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records from the file of the second respondent vide G.O.(2D) No.458, dated 13.07.2007 and quash the same as null and void and consequently



direct the respondents to reinstate the petitioner into service with back wages.

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For Petitioner : Mr.R.Sankarasubbu
For Respondent-1 : Mr.A.Jenasenan
For Respondent-2 : Ms.P.Raja Rajeswari,
Government Advocate.

ORDER

[ORDER OF THE COURT WAS MADE

BY S.M.SUBRAMANIAM, J.]

The writ on hand has been instituted challenging the order of the second respondent dated G.O.(2D).No.458 dated 13.07.2007. Further direction is sought for to reinstate the petitioner into service with back wages and other consequential benefits.

2. The petitioner was compulsorily retired in public interest under FR 56 (2). The Division Bench of this Court passed final orders dismissing the writ petition on 27.03.2008 filed by the writ petitioner, challenging the order of compulsory retirement in public interest. The



review petition filed by the petitioner was allowed.

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3. The respondent preferred an appeal before the Supreme Court in SLP (Civil) Appeal No.5367 of 2017. The said civil appeal is pending before the Hon'ble Supreme Court of India.

4. During the pendency of the Civil Appeal before the Apex Court, the present writ petition is listed before us, based on the order passed in the review petition. The petitioner-in-person appeared before us along with his learned counsel Mr.R.Sankarasubbu. An affidavit has been filed before this Court by the petitioner stating that the petitioner is accepting the order of compulsory retirement passed in G.O.(2D) No.458, dated 13.07.2007. We have orally asked the petitioner Mr.B.Kulamani, who in turn deposed before this Court stating that he is willing to accept the order of compulsory retirement issued in public interest and pension due to him may be settled. Based on the affidavit and based on the oral submission made by the petitioner-in-person along with his learned counsel Mr.R.Sankarasubbu and the second respondent has no serious dispute about such acceptance, we are inclined to pass the following orders:-



(1) The order of compulsory retirement passed in public interest issued in G.O.(2D). No.458, Home (Courts-I) Department, dated 13.07.2007 stands confirmed. Consequently, the respondents are directed to settle all terminal and pensionary benefits due to the writ petitioner in accordance with the Rules and by following the procedures, within a period of twelve weeks from the date of receipt of a copy of this order.

(2) The petitioner is directed to cooperate with the respondents for the purpose of settling the pension by producing necessary documents and in the prescribed format.

5. With the above directions, the present writ petition stands disposed of. However, there shall be no order as to costs.

(S.M.SUBRAMANIAM,J.) (K.RAJASEKAR,J.)

04-03-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

1. The Registrar General of High Court,
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