



W.A.No.1259 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2024

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

W.A.No.1259 of 2021

Dr. C.P. Geevan

.. Appellant

Vs.

1. Salim Ali Centre for Ornithology & Natural History
Rep. by its Member Secretary
Anaikatty P.O., Coimbatore – 641 108.

2. The Director
Salim Ali Center for Ornithology & Natural History
Anaikatty P.O., Coimbatore – 641 108. ..
Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 07.12.2020 in W.P.No.33027 of 2013.

For the Appellant : Mr.Sundar Narayan

For the Respondents : Mr.AR.L.Sundaresan
Additional Solicitor General
assisted by Mr.R.Subramanian
ACGSC



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JUDGMENT

(Delivered by the Hon'ble Mr. Justice S.M.SUBRAMANIAM)

Mr.AR.L.Sundaresan, learned Additional Solicitor General of India would submit that the writ order in W.P.No.33027 of 2013 dated 07.12.2020 under challenge in the present writ appeal was subjected to contempt proceedings in Cont.P.No.2404 of 2022. The respondents have implemented the order of the writ court and consequently, the contempt petition was closed.

2. Learned counsel appearing on behalf of the appellant would oppose the same by stating that the writ order was implemented partially and the other benefits, due to the appellant, have not been settled.

3. It is not in dispute between the parties that pursuant to the order of the Division Bench, the other two similarly placed employees were reinstated in service. Though the order of



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reinstatement was issued to the appellant, he did not join in service in view of the fact that the posting order was issued to the lower post. Therefore, it is not a fault on the part of the Department and the appellant ought to have joined in service and should have agitated the matter. *Contrarily*, he refused to join in the post as per the posting order.

4. The writ petition was filed in the year 2013. The appellant reached the age of superannuation on 08.04.2014. Previously, the appellant has served for about four years. Therefore, he may not be eligible even for minimum pension. The benefits due to the appellant had been settled pursuant to the writ order, which is impugned in the present writ appeal. If at all any other grievance exists with reference to the balance amount, if any due to the appellant, the appellant is at liberty to approach the respondents in the manner contemplated.



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5. However, we do not find any infirmity in respect of the writ order. In the light of that, the writ appeal stands dismissed. There shall be no order as to costs. Consequently, C.M.P.No.8042 of 2021 is closed.

(S.M.S., J.)

(C.K., J.)

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Index : Yes/No

Neutral Citation : Yes/No

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To

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S.M.SUBRAMANIAM, J.

AND

C.KUMARAPPAN, J.

(drm)

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