



WEB COPY

W.A.(MD) No.555 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 12.04.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR  
and  
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A.(MD) No.555 of 2024  
and  
C.M.P.(MD) No.4169 of 2024**

1.The Director  
Animal Husbandry and  
Veterinary Services  
Central Office Building  
Chennai-6

2.The Assistant Director  
Animal Husbandry and  
Veterinary Services  
Electric Road, Tenkasi  
Tirunelveli District

... Appellants

-vs-

Senthilarumugam

... Respondent

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 04.01.2023, passed in W.P.(MD) No.9701 of 2018, on the file of this Court.



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For Appellants : Mr.S.Shaji Bino  
Special Government Pleader  
For Respondent : Mr.G.Karnan

**J U D G M E N T**

**[Judgment of the Court was made by R.SURESH KUMAR, J.]**

This intra court appeal has been directed against the order passed by the Writ Court, dated 04.01.2023 made in W.P.(MD) No.9701 of 2018.

**2.** In fact, that was the common order passed by the Writ Court in the said writ petition along with some other writ petitions. Those writ petitioners were Junior Assistants. Some of them have been retired from service on attaining the age of superannuation. With regard to the pay fixation and the consequential benefits, they approached the Writ Court and the Writ Court allowed the writ petitions, as against which, even though this intra court appeal has been filed by the appellant - Department, when the writ appeal is taken up today for hearing at the admission stage, learned counsel appearing for the respondent has brought to the notice of this Court that even during the pendency of the writ petition, the prayer sought for in the writ



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petition having been accepted was allowed and a proceedings to that effect has been issued by the appellant – Department on 12.11.2018. However, this has not been brought to the notice of the learned Judge while disposing the writ petition.

**3.** This position is also not controverted by the learned Special Government Pleader appearing for the appellants.

**4.** Since the prayer sought for the writ petition having been accepted by the appellant - Department and they allowed the same by issuing a proceedings dated 12.11.2018 i.e., very well before the disposal of the writ petition and the since the same has not been brought to the notice of the learned Judge, who passed the impugned order, those writ petitions have been allowed as if that the prayer has not been sofar considered by the appellant – Department.

**5.** Now, since it has been brought to the notice of this Court that the prayer sought for in the writ petition itself has been accomplished even in the year 2018 itself, nothing survives in this writ appeal.



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**6.** Hence, recording the same, this writ appeal is disposed. No costs. Consequently, connected miscellaneous petition is closed. No costs.

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

**12.04.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No

krk

To:

- 1.The Director,  
Animal Husbandry and  
Veterinary Services,  
Central Office Building,  
Chennai-6.
- 2.The Assistant Director,  
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**AND**  
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