



WEB COPY

WA Nos.3528, 3530 & 3533 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-12-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

WA Nos.3528, 3530 & 3533 of 2025

and

CMP Nos. 29047, 29070 & 29062 of 2025

In WA No. 3528 of 2025:

1. The Secretary to Government
Adi Dravidar and Tribal Welfare Department,
Fort St. George, Chennai 9.
2. The Director Of Adi Dravidar Welfare
Chepauk, Chennai 5.
3. The District Collector
Dharmapuri District, Dharmapuri.

..Appellant(s)

Vs

Tmt. Senthamarai
W/o. Subramani,
No.2/136, Pelrampatty Colony, Thirumalvadi,
Palacode Taluk, Dharmapuri Dt.

..Respondent(s)



In WA No. 3530 of 2025:

1. The Secretary to Government
Adi Dravidar and Tribal Welfare Department,
Fort St. George, Chennai 9.
2. The Director Of Adi Dravidar Welfare
Chepauk, Chennai 5.
3. The District Collector
Dharmapuri District, Dharmapuri.

..Appellant(s)

Vs

Tmt. Munirathinam
W/o. Sivalinagam,
No.1/24, Adi-Dravidar Street,
Palacode & Post,
Dharmapuri District.

..Respondent(s)

In WA No. 3533 of 2025:

1. The Secretary to Government
Adi-Dravidar And Tribal Welfare Department,
Fort St. George, Chennai-600 009.
2. The Director Of Adi Dravidar Welfare
Chepauk, Chennai-5.
3. The District Collector
Dharmapuri District, Dharmapuri.

..Appellant(s)

Vs

Tmt. A Selvi
W/o.Ramasundaram,
Pothakadu Village, Paiyamatham, Pappireddipatti
Taluk, Dharmapuri District.



..Respondent(s)

WEB COPY Common Prayer : Writ Appeals filed under Clause 15 of the Letters Patent, prayed to set aside the Orders dated 02.04.2025 made in W.P.Nos.29910, 29905 and 29913 of 2024 and allow these Writ Appeals.

Appearance in all cases:

For Appellant(s): Mr. P. Muthukumar,
Additional Advocate General
Assisted by Mr. S. John J. Raja Singh,
Additional Government Pleader

For Respondent(s): Mr. S. Kamadevan

COMMON JUDGMENT

(Judgment of the Court was delivered by R. Suresh Kumar J.)

Since the issue raised in these intra-Court appeals is one and the same, with the consent of the learned counsel appearing on both sides, all these appeals were heard together and a common order is being passed.

2. The issue raised in all these cases is as to whether the respective writ petitioners, who have been appointed as ‘Cook’ in the appellant Department, were entitled to continue to the job despite the crossing of the upper age limit at the time of their appointment.



3. In this context, one of the writ petitions that was allowed by the learned Writ Court in W.P.No.29916 of 2024 dated 02.04.2025, had come up before a Division Bench of this Court where one of us (R.Suresh Kumar, J.) was a party, in W.A.No.3341 of 2025.

4. By order dated 06.11.2025, the Division Bench of this Court in the said W.A.No.3341 of 2025 passed the following order:-

“7. We have considered the said submissions made by the learned counsel appearing for both sides and have perused the materials placed before this Court.

8. The fact remains that the Division Bench Judgment dated 18.02.2025 has become final as they have implemented the said order. When that being so, nothing wrong in implementing the present order also.

9. It is also contended by the learned Additional Advocate General appearing for the appellants that, since the order of the Division Bench dated 18.02.2025 is confined to Ariyalur District of the State of Tamil Nadu, only in respect of that District, that order of the Division Bench dated 18.02.2025 has been implemented.

10. Once the issue has been concluded by the orders of this Court which has been accepted by the State by the very same Department and implemented, it cannot be confined only to one Revenue District and therefore, that defence taken by the learned Additional Advocate General is not impressing us.

11. Moreover, here is not the case of the appellant employer that there is no eligibility for the respondent/writ petitioner to hold the post of Cook. The only objection was



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that, the upper age limit of 35 years has already been crossed by him.

12. In many such appointments, that kind of upper age limit if it is crossed by the employees, wherever it is necessary, age relaxation is granted as that kind of provisions are available in the relevant Service Rules. Therefore, here in this case also, such relaxation can very well be given to the respondent / writ petitioner with regard to upper age limit.

13. Moreover, the post where the respondent / writ petitioner was appointed is only as Cook in the Hostel and there could be no other promotional avenue for the post of Cook, therefore, nothing wrong in giving such age relaxation of upper age limit. Therefore, the hard stand taken by the appellant employer opposing such grant of relaxation despite the order having been passed by the Court is not impressing us. Moreover, since the learned Judge has followed the judgment of the Division Bench dated 18.02.2025 which has admittedly been implemented by the appellant Department which is the very same Department, no exception can be taken in implementing the present order which is impugned herein.

14. In that view of the matter, we do not find any error in the approach of the learned Judge in allowing the said writ petition through the impugned order, as a result of which, this Writ Appeal fails and hence, it is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.”

5. Exactly, similar facts prevail in this case also, where the respective writ petitioners were appointed as ‘Cook’ and all of them had crossed the upper age limit prescribed in this regard. Therefore, the said order passed by the



Division Bench of this Court cited supra, in *The Secretary to Government, Adi-Dravidar and Tribal Welfare Department, Fort St.George., Chennai – 9 and 2 Ors., v. C. Sakthivel in W.P.No.3341 of 2025 dated 06.11.2025*, will squarely apply to the present cases also.

6. In that view of the matter, we are not inclined to entertain these Writ Appeals. However, by granting the same relief that has been granted in W.A.No.3341 of 2025 dated 06.11.2025 in the above cited judgement, while dismissing these writ appeals, a direction is given to comply with the order passed by the writ court as early as possible, preferably within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are also closed.

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

01-12-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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