

(2008) 11 MAD CK 0079

In the Madras High Court

Case No : Writ Appeal No. 1331 of 2006 and M.P. No. 1 of 2006

The Director of School Education and Others

APPELLANT

Vs

S. Jambu Kumaran

RESPONDENT

Date of Decision : 13-11-2008

Acts Referred:

Citation : (2008) 11 MAD CK 0079

Hon'ble Judges : V. Dhanapalan, J;S.J. Mukhopadhaya, J

Bench : Division Bench

Advocate : G. Sankaran, Spl. G.P, for the Appellant;

Final Decision : Dismissed

Judgement

S.J. Mukhopadhaya, J.—This Writ Appeal has been preferred by the Director of School Education, Chennai and five others, against the

order dated 6.4.2006 passed by the learned single Judge in Writ Petition No. 9582 of 2006, whereby the Court directed the appellants to

implement the order dated 4.5.1995 passed by the Tami Nadu Administrative Tribunal, in Original Application No. 2545 of 1995. The order

dated 6.4.2006 passed by the learned single Judge in Writ Petition No. 9582 of 2006 reads as follows:

The petitioners have approached this Court, seeking for a direction to the respondents to implement the order of the Tamil Nadu Administrative

Tribunal made in O.A. No. 2545 of 1995 dated 04.05.1995. The Tribunal in its order has directed as follows:

So, we direct the respondents to revert the applicants to their respective Panchayat Unions as Elementary School Headmaster with reference to

their seniority in the respective Panchayat Unions and award the consequential

pay scale of Special Grade Elementary School Headmaster with effect from 1.6.1988. Orders should be issued within three weeks from the date of receipt of this order or a copy thereof. The application is ordered as above.

2. After the orders of the Tribunal, the petitioner has made a representation on 06.02.2005. As the said representation has not been considered so far, the petitioner has come forward with the present Writ Petition seeking for a direction to the respondents to implement the order of the Tribunal.

3. Considering the above, there will be a direction to the respondent to implement the order of the Tribunal dated 04.05.1995 made in O.A. No.

2545 of 1995 within a period of eight weeks from the date of receipt of copy of this order or on production of the same by the petitioner. The

Writ Petition is disposed of accordingly. No costs.

2. Learned Special Government Pleader appearing for the appellants, submitted that the order dated 4.5.1995 passed by the Tamil Nadu

Administrative Tribunal in O.A. No. 2545 of 1995, is not in accordance with law, but such submission cannot be accepted. As the appellants

never challenged the said order dated 4.5.1995, before any Court of Law, the same reached finality. Even if it is presumed that the order dated

4.5.1995 passed by the Tribunal is not in accordance with law, we are not deliberating on that issue, such order being binding between the parties,

the same having reached finality. However, such order cannot be quoted as a precedent in any other case. The appellants cannot challenge the

order dated 4.5.1995 indirectly which they cannot challenge directly.

3. In the above context, one may refer to the decision of the Supreme Court in the case of Maharaj Krishan Bhatt and Another Vs. State of

Jammu & Kashmir and Others, , wherein, the Supreme Court held that once a judgment had attained finality, it could not be termed as wrong and

its benefit ought to have been extended.

4. We find no merits in this Writ Appeal, which is accordingly dismissed, but in the facts and circumstances of the case, there shall be no order as

to costs. The Miscellaneous Petition is closed.