

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE T. RAJA

W.P.No.14297 of 2017

S.U.Ramalingam

.. Petitioner

Vs.

1. The Government of Tamil Nadu,
represented by its Secretary to Government,
School Education Department
St.George Fort, Chennai – 9.
2. The Director of School Education,
College Road,
Chennai – 6.
3. The Chief Educational Officer,
Vellore District,
Vellore.
4. The Accountant General,
Office of the Principal Accountant General,
(Accounts and Entitlements) Tamil Nadu,
No.361, Anna Salai,
Chennai – 18.

.. Respondents

Writ Petition filed under Article 226 of The Constitution of India, praying for the issuance of Writ of Mandamus, directing the 1st respondent to include the petitioner's name in the list annexed to the G.O.M.S. No.69 dated 18.04.2013 as per the petitioner's representation dated 02.03.2017.

For petitioner	..	Mr.M.Thamizhavel
For RR 1 to 3	..	Mr.P.Sanjay Gandhi Addl. Govt. Pleader

ORDER

Mr. P. Sanjay Gandhi, learned Additional Government Pleader, accepts notice for respondents 1 to 3.

2 This writ petition has been filed seeking issuance of a writ of mandamus, directing the 1st respondent to include the petitioner's name in the list annexed to the G.O.M.S. No.69, School Education Department dated 18.04.2013 as per the petitioner's representation dated 02.03.2017.

3 The above relief cannot be legally granted for the reason that the petitioner has already approached this Court in W.P. No.17163 of 2012 along with one C. Bakthavatchalam challenging the order dated 04.07.2001 issued by the first respondent and for a direction to the respondents to refix his scale of pay at Rs.2000-60-2300-75-3200 with effect from 01.06.1988 in accordance with G.O. Ms.No.216, Finance Department dated 22.03.1993 as per the order dated 18.04.2011 passed by this Court in W.P. No.8415 of 2011. W.P. Nos.17161 and 17162 of 2012 also were filed by similarly placed persons seeking the same relief.

4 This Court, by a common order dated 06.07.2012, allowed the said writ petitions in the following terms:

“9. Following the said orders, the impugned order dated 04.07.2011 passed by the first respondent is set aside and the writ petitions are allowed. The respondents are directed to extend the benefits of G.O.MS.No.216, Finance (PC) Department, dated 22.03.1993 to the petitioners and revise their pensionary benefits and pay arrears within a period of four weeks from the date of receipt of a copy of this order. No costs.”

5 Even the learned counsel for the petitioner has admitted that pursuant to the aforesaid order dated 06.07.2012 passed by this Court, the benefit of G.O.Ms.No.216, Finance Department, dated 22.03.1993 was extended to the petitioner. However, for the reason that the pensionary benefits were not revised, he has moved a contempt petition, but, subsequently, the same was also withdrawn. Therefore, when the petitioner has already withdrawn the contempt petition, this writ petition cannot be entertained, for the simple reason that whatever relief sought by the petitioner has already been granted by this Court in the earlier order dated 06.07.2012.

T. RAJA, J.

AT

Therefore, this writ petition fails and is accordingly dismissed as being devoid of merits. No costs.

08.06.2017

Index: Yes/No
at/cad

To

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