

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.08.2018

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

W.P.No.23484 of 2017

P.Narayanan

..Petitioner

vs

1. The State of Tamilnadu
Rep.by the Secretary to the Government,
School Education Department,
Fort.St.George,
Chennai - 600 009.
2. The Director of School Education Higher Secondary
College Road, Nungambakkam,
Chennai.
3. The Chief Education Officer,
Karur.
4. The Head Master,
Municipal Higher Secondary School,
Karur.
5. The Principal Accountant General
(Accounts & Entitlement), Tamilnadu
No.361, Anna Salai,
Chennai - 600 018.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 5th respondent to disburse the petitioner's pensionary benefits as per the order in W.P.No.27083 of 2012.

For Petitioner : Mr.M.Saravana Kumar

For Respondents : Mr.K.Karthikeyan, GA for R1 to R4

Mr.S.Balaji for R5

O R D E R

The relief sought for in this writ petition is for a direction to direct the 5th respondent to disburse the petitioners pensionary benefits as per the orders in W.P.No.27083 of 2012.

2.The grievance of the writ petitioner is that he filed a writ petition earlier in W.P.No.27083 of 2012 to extend the benefit of G.O.Ms.No.216 passed by the Education Department.

3.The learned counsel for the petitioner states that the writ petitioner filed a writ petition earlier seeking the benefit of the Government Order passed in G.O.Ms.No.216, this Court passed an order on 09.12.2016. However, the name of the writ petitioner has been wrongly typed in the earlier writ petition.

4.This Court is of an opinion that even if there is an error in respect of the name of the writ petitioner in the earlier writ petition, it is left open to the writ petitioner to take appropriate steps to correct the same. However, the error in the name of the writ petitioner in the earlier writ petition will not constitute a new cause of action for filing the present writ petition nor this Court cannot issue direction to implement the earlier order of this Court, wherein the writ petitioner is also a party. There cannot be any two directions in respect of the same writ petitioner. Further, the Hon'ble Full Bench of this Court has categorically held that the writ petition filed claiming the benefit of G.O.Ms.No.216, cannot be entertained after 09.12.2016. All the writ petitions filed, only after 09.12.2016 is liable to be dismissed and no such claim can be entertained. Thus, it is left open to the writ petitioner to take appropriate steps to correct the name in the earlier writ petition and in respect of the present writ petition, no relief can be granted as the Hon'ble Full Bench of this Court has said that no writ petition can be entertained after 09.12.2016 in respect of seeking extension of benefit of G.O.Ms.No.216.

5.With these observations, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-CO)

//True copy//

Sub Assistant Registrar

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To

- 1.The State of Tamilnadu
Rep.by the Secretary to the Government,
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Municipal Higher Secondary School,
Karur.
 - 5.The Principal Accountant General
(Accounts & Entitlement), Tamilnadu
No.361, Anna Salai,
Chennai - 600 018.
- +1cc to Mr.M. Saravanakumar, Advocate SR.No.53941
+1cc to Mr.S. Balaji, Advocate SR.No.53938
+1cc to Government Pleader SR.No.54260

W.P.No.23484 of 2017

GMV (06/09/2018)

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