

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 21.6.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.867 of 2018
and
C.M.P.Nos.7648 & 7649 of 2018

Smt.S.Paulvannam Appellant/Petitioner

Versus

1. The Secretary to Government
Labour & Employment Department,
Fort St. George, Chennai 600 009.
2. The Principal Commissioner &
Commissioner of Revenue Administration
Chepauk, Chennai 600 005.
3. The Secretary,
Tamil Nadu Public Service Commission,
Chennai 600 001.
4. K.Kaliannan Respondents/Respondents

Prayer: Writ Appeals filed under Clause 15 of the Letters Patent against the order dated 17.1.2018 passed in W.P.No.15681 of 2017 on the file of this court.

WP.No.15681/2017:Writ petition filed under article 226 of Constitution of India, praying for issue a writ of quo warranto against 4th respondent for extension of service based on G.O. Ms. No.37L & E Department dated 10.7.2015 issued by the 1st respondent and require him to show his authority to hold the office of The Director of Industrial Safety & Health Chennai-14 (in Charge) and continue in service beyond 31.5.2017 as illegal and unconstitutional resulting in the said office remaining vacant.

For appellant : Mr.Adithya Reddy
For RR1 & 2 : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader
For R3 : Mr.M.Loganathan (TNPSC)
For R4 : Mr.V.Ravikumar

COMMON JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

The unsuccessful petitioner in the writ petition is the appellant.

2. The writ petition had been filed seeking to quash the impugned order by which the claim of the contesting fourth respondent to alter his date of birth from 25.5.1959 to 20.9.1960 was approved and for issuance of Quo Warranto against the contesting respondent.

3. The learned Single Judge, after hearing both the parties, found that in respect of the contesting respondent, the well reasoned order passed by a Division Bench in W.P.No.28968 of 2004, giving a direction for altering the date of birth, has been confirmed in the Review Petition No.109 of 2016 and also by the Honourable Supreme Court in S.L.P.Nos.3028 and 3029 of 2017 and hence, it is highly inappropriate for the appellant to once again resort to this court.

4. The learned Senior Counsel appearing for the appellant would submit that the Supreme Court has confirmed the decision of the High Court only on the point of delay and the appellant came to know about the alteration made only in the year 2015 and therefore, there is no delay on the part of the appellant.

5. However, having regard to the fact that the Supreme Court has confirmed the view taken by the Division Bench of this Court, though on the ground of delay on the part of the appellant, but, still, in our opinion, the order of the Apex Court has become final in the matter and therefore, we do not find any reason to interfere with the order passed by the learned Single Judge. Moreover, the appellant had unsuccessfully questioned the order passed by the Division Bench by filing Review Application No.109 of 2016 and hence, he cannot canvas the same issue in the present proceedings.

6. We do not find any reason to re-open the matter which has already been settled by the Apex Court by observing that there is delay on the part of the appellant. The appellant is at liberty to approach the Apex Court against this order, if he is so advised. The writ appeal is dismissed. No costs. The connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Secretary to Government
Labour & Employment Department,
Fort St. George, Chennai 600 009.
2. The Principal Commissioner &
Commissioner of Revenue Administration
Chepauk, Chennai 600 005.
3. The Secretary,
Tamil Nadu Public Service Commission,
Chennai 600 001.

+1cc to Mr.V.Ravikumar, Advocate Sr.No.39302
+1cc to Mr.Adithya Reddy, Advocate Sr.No.38963
+1cc to Mr.M.Loganathan, Advocate Sr.No.38931

sSV(CO)]
sm:26.7.2018

W.A.No.867 of 2018



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