

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 24.08.2018****CORAM:****THE HONOURABLE MR.JUSTICE V.PARTHIBAN****W.P. (MD) No.18484 of 2018****WEB COPY**

Marimuthu

... Petitioner

vs.

1. The State of Tamil Nadu
rep.by the Secretary
Personnel & Administrative
Reforms (Per.P) Department
Fort St.George, Chennai-600 009
2. The District Collector
Karur District, Karur
3. The Revenue Divisional Officer
O/o.Revenue Division Office
Karur
4. The District Employment Officer
Karur District, Karur

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to appoint the petitioner's sons in a suitable post in the services of the Government in the light of G.O.Ms.No.188 issued by Personnel and Administrative Reforms (Per P) Department dated 28.12.1976 within a stipulated time.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.S.Dhayalan
Government Advocate (Civil Side)

O R D E R

The petitioner has approached this Court seeking direction to the respondents to appoint his sons in a suitable post in terms of G.O.Ms.No.188, Personnel and Administrative Reforms (Personnel-P) Department, dated 28.12.1976.

2. According to the petitioner, he belongs to Hindu Arunthadhiar Community classified as Scheduled Caste. He is a coolie and unable to maintain his family through his meagre income. He has two unemployed sons and therefore, his family has been reeling under poverty.

3. The land measuring an extent of 3.11 Acres in Modakkur Village, which was under the possession of the petitioner, was acquired by the Special Tahsildar (Adi Dravidar Welfare),



Kulithalai at Karur during the year 1996-1997 for public purpose. While acquiring the land, according to the petitioner, he was given an assurance by the Special Tahsildar that preference would be given by the Government for his sons' employment in Government service. After the land was acquired, the petitioner has been approaching the Authority concerned, but, there was no positive response and no employment was offered to the petitioner's sons in Government service.

4. Although the present writ petition seeking for a mandamus to issue direction to the respondents on the grievance as spelt out in the writ petition, it appears from the records that the petitioner has already approached this Court at least in three occasions with the same prayer in W.P.(MD) Nos.6873 of 2007, 2888 of 2009 and 3115 of 2011. All the writ petitions were disposed of on different dates, namely, 21.08.2007, 20.04.2009 and 23.04.2012, directing the respondents to consider the representation submitted by the petitioner seeking preference to be given for his sons' employment in Government service. However, according to the petitioner, despite three orders of this Court, on the same cause of action, no action has been forthcoming. Therefore, the petitioner is before this Court with the present writ petition seeking the very same relief.

5. From the records it is seen that every time, when the writ petitions were filed, the petitioner has engaged different counsels and obtained directions from this Court for the same cause of action on three earlier occasions. This is the fourth time the petitioner seeking to agitate the same issue and this Court does not see any justifiable reason for the petitioner to time and again approach this Court for the same relief. The fourth attempt of the same petitioner by engaging a different counsel is a gross abuse of process of Court and the conduct of the petitioner must be deprecated in the strongest terms.

6. This Court, though initially was inclined to impose exemplary cost on the petitioner having approached this Court for the same cause of action, however, considering the status of the petitioner belonging to Scheduled Caste Community and the poor financial background, in which, his family is placed, is refrained from imposing any cost. At the same time, the financial status of the petitioner does not give him any right to approach this Court now and then for the same relief through different Lawyers. This Court is unable to entertain this writ petition and therefore, the same is dismissed. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/



To

1. The Secretary,
Personnel & Administrative
Reforms (Per.P) Department,
Fort St.George, Chennai-600 009.

2. The District Collector,
Karur District, Karur.

3. The Revenue Divisional Officer,
O/o.Revenue Division Office,
Karur.

4. The District Employment Officer,
Karur District, Karur.

+1cc to Mr.T.Lajapathi Roy, Advocate SR.No.80200

+1cc to SPECIAL GOVERNMENT PLEADER, SR.No.80005

Krk

MK/RP/SAR 1/07.09.2018/3P/7C

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24.08.2018