

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.04.2019

CORAM

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

W.P.No.8377 of 2019

T.Suryanarayanan

.. Petitioner

..vs..

The Commissioner of Rehabilitation,
Chepauk, Chennai - 600 005.

.. Respondent

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to

a) Pay arrears of full salary from 22.01.2001 upto the date of petitioner's retirement (30.04.2006) with all benefits by refixing the pay and allowances, consequent upon the 6th & 7th Pay Commission recommendations with interest;

b) Pay arrears of full pension from 01.05.2006 upto date on refixing petitioner's pay and allowances consequent upon the 6th & 7th Pay Commission with interest;

c) Pay all monetary benefits and service benefits including P.F. dues and DCRG amounts payable to petitioner with interest; by considering the petitioner's representation dated 30.06.2018, (received by the respondent on 02.07.2018) following the judgment dated 12.04.2018 of the Division Bench of this Court dismissing W.A.No.517 of 2015 filed by the State and confirming the order dated 09.01.2014 passed in W.P.No.27179 of 2012.

For Petitioner : Mr.R.Shanmugam
for M/s.Shanmugam Associates

For Respondents : Mr.R.S.Selvam,
Government Advocate

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondent to

a) Pay arrears of full salary from 22.01.2001 upto the date of petitioner's retirement (30.04.2006) with all benefits by refixing the pay and allowances, consequent upon the 6th & 7th Pay Commission recommendations with interest;

- b) Pay arrears of full pension from 01.05.2006 upto date on refixing petitioner's pay and allowances consequent upon the 6th & 7th Pay Commission with interest;
- c) Pay all monetary benefits and service benefits including P.F. dues and DCRG amounts payable to petitioner with interest;

2. The learned counsel for the writ petitioner states that the petitioner was working as Section Superintendent in the Office of the respondent and was placed under suspension in proceedings dated 22.01.200, in respect of certain allegations of misuse of Government funds. The disciplinary proceedings were concluded and the writ petitioner was reinstated and allowed to retire from service.

3. The grievances of the writ petitioner is that though the disciplinary proceedings were concluded, the benefits as admissible has not yet been paid to the writ petitioner.

4. The writ petitioner filed the present writ petition, challenging the final orders in the disciplinary proceedings and the same was allowed by this Court. The appeal preferred by State was also dismissed by the Division Bench of this Court on 12.04.2018. The Division Bench in clear terms held that the writ petitioner herein is entitled for all consequential benefits. In spite of the order of the Hon'ble Division Bench, the respondent is not settling the retirement and terminal benefits due to the writ petitioner. In this regard, the petitioner made several representations to the respondent and same is not even looked into.

5. This Court is of the considered opinion that the grievances of the writ petitioner is to be redressed undoubtedly. However, the present writ petition filed seeking implementation of the orders of the Hon'ble Division Bench dated 09.01.2014 in W.A.No.517 of 2015 cannot be entertained. When the Division Bench of this Court passed an order granting the relief to the writ petitioner, then the writ petitioner ought to have approached the Division Bench against the non-implementation of the orders passed by the Division Bench. Contrarily, if a fresh representation is entertained the same will cause prejudice. However, no fresh writ can be entertained for the purpose of implementing the orders passed by the Division Bench of this Court. The cause adjudicated already in a writ petition, which was confirmed by Division Bench cannot be adjudicated by way of fresh representation before the learned Single Judge.

6. In the present case, the cause of the writ petitioner was adjudicated and the Division Bench was also confirmed the order passed in the writ petition. Thus, the writ petitioner cannot once again come back for the re-adjudication of the cause, which

was already adjudicated and the decision is rendered.

7.This being the factum of the case, the writ petitioner is at liberty to redress his grievance in the manner known to law.

8.With these observations, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

Pns

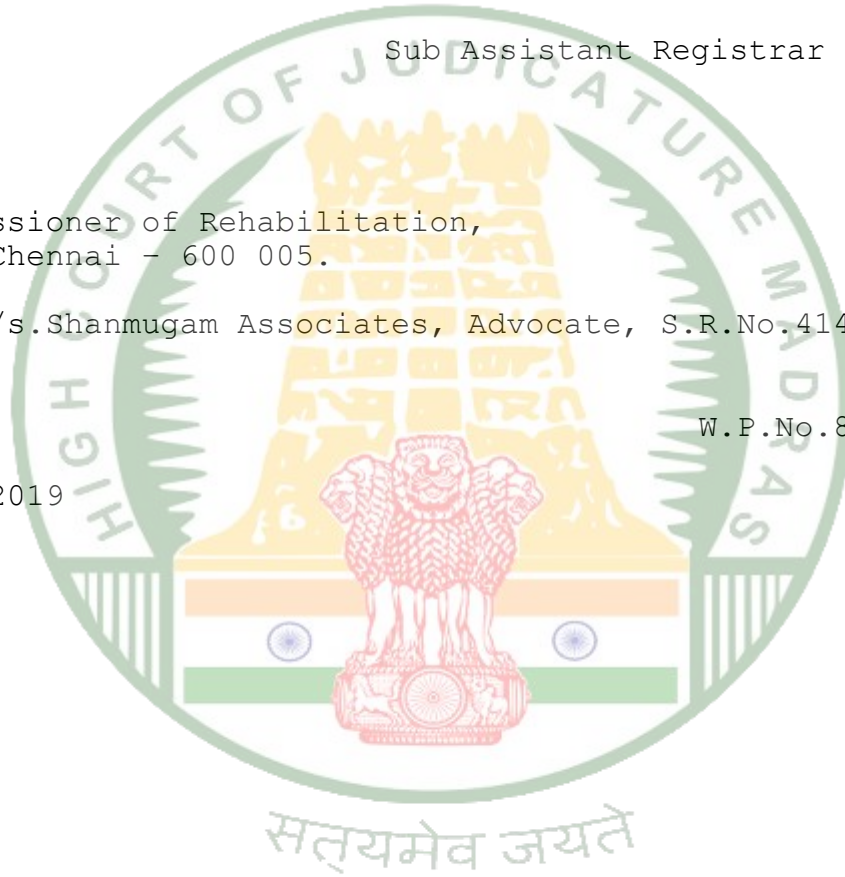
To

The Commissioner of Rehabilitation,
Chepauk, Chennai - 600 005.

+1cc to M/s.Shanmugam Associates, Advocate, S.R.No.41487

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CS/06/06/2019



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