

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2019

CORAM :

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.33525 of 2019
and W.M.P.No.33987 of 2019

J.Babu

..Petitioner

Vs.

- 1.The State of Tamil Nadu rep. by its
Principal Secretary to Government,
Public Works Department,
Fort St.George,
Chennai-9.
- 2.The Engineer in Chief (Buildings)
and Chief Engineer (General),
Public Works Department,
Chepak, Chennai-5.
- 3.The Executive Engineer, PWD,
Construction and Maintenance Division,
Medical Works,
Avinashi Road, Tiruppur,
Tiruppur District.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the proceedings of the third respondent issued in SE.MU.No.19/NIA1/2015 dated 04.06.2015 and quash the same with the consequential direction directing the respondents, to extend the benefits of para(4) of G.O.Ms.No.340 Finance Pay Cell Department dated 26.08.2010, to the petitioner in the light of similar benefits were extended to his batch mates, in an identical situation.

For Petitioner : Mr.V.Ravikumar

For Respondents: Mr.P.S.Sivashanmugasundaram
Special Government Pleader

O R D E R

This writ petition has been filed challenging the order passed by the 3rd respondent rejecting the claim made by the petitioner. Earlier, the writ petitioner had approached this Court by filing W.P.No.18094 of 2019 seeking for a direction to the first respondent to consider and pass orders on the representation made by the petitioner. At that point of time, this Court realized that the petitioner has not challenged the order passed by the third respondent dated 04.06.2015. Therefore, this Court had dismissed the writ petition by an order dated 03.10.2019, by giving liberty to the petitioner to workout his remedy in the manner known to law.

2. After that order was passed, the petitioner has once again approached this Court by filing the writ petition and the only variation that has happened in this writ petition is that the petitioner has challenged the impugned order passed by the third respondent. When the earlier order was passed by this Court by giving liberty to the petitioner to work out his remedy in the manner known to law, that did not mean that the petitioner will again approach this Court and file a writ petition challenging the impugned order passed by the third respondent dated 04.06.2015. The petitioner has to necessarily file an appeal and instead the petitioner has once again approached this Court.

3. In the considered view of this Court, the present writ petition cannot be entertained. The earlier liberty that was granted to the writ petitioner is in force and therefore, the writ petitioner will have to file an appeal before the appropriate authority and workout his remedy in accordance with law.

4. In the result, this writ petition is dismissed. No costs. Connected miscellaneous petition is also closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

rm

To

1.The State of Tamil Nadu rep. by its
Principal Secretary to Government,
Public Works Department,
Fort St.George,
Chennai-9.

2.The Engineer in Chief (Buildings)
and Chief Engineer(General),
Public Works Department,
Chepak, Chennai-5.

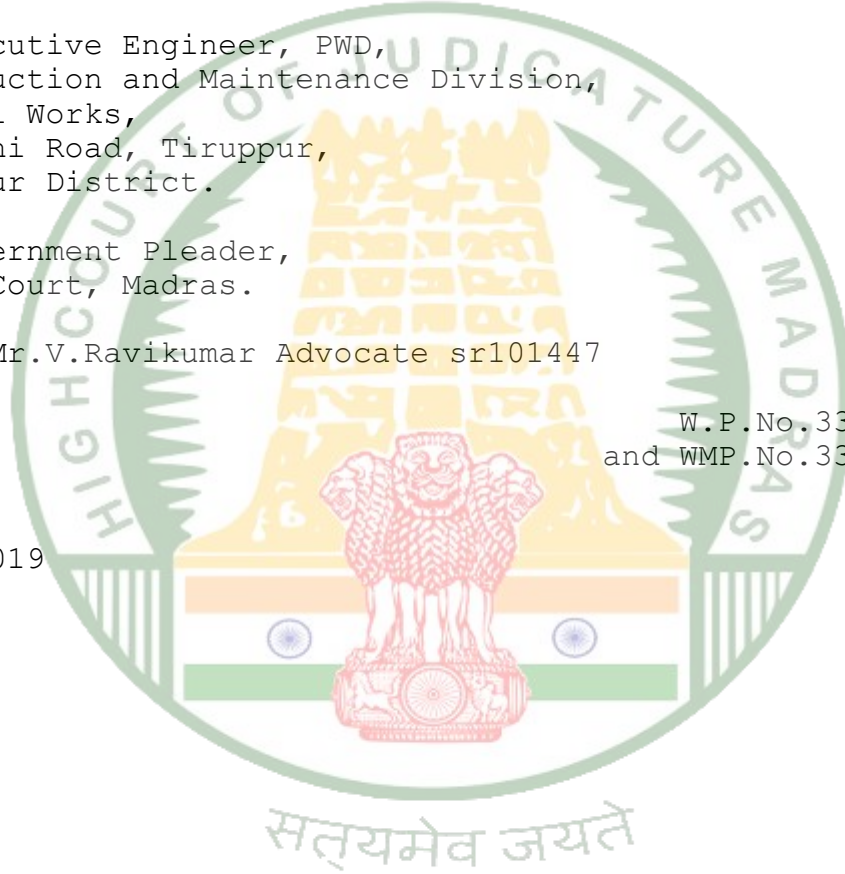
3.The Executive Engineer, PWD,
Construction and Maintenance Division,
Medical Works,
Avinashi Road, Tiruppur,
Tiruppur District.

4.The Government Pleader,
High Court, Madras.

+1 cc to Mr.V.Ravikumar Advocate sr101447

W.P.No.33525 of 2019
and WMP.No.33987 of 2019

aa09/12/2019



WEB COPY