



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.5137 of 2020

S.Ramakrishnan

..Petitioner

.v.

1.The Secretary to Government of Tamil Nadu,
Home (Prison) Department,
Fort St.George, Chennai-9.

2.The Additional Director General of Prisons,
Egmore Chennai-600 008.

3.The Superintendent of Prisons,
Central Prison, Madurai.

...Respondents

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to grant all benefits to the petitioner as extended to the co-batch mates (1984) of the petitioner, namely Abdul Gaffoor and M.Anbalagan in G.O.Ms.No.1494 Home(prison) department dated 04.10.1995 by considering the petitioner's representation dated 16.03.2015 afresh by applying the doctrine of equality (Art 14) between similarly placed co-batch mates and by invoking Sec 37 of Civil Services & Discipline Appeal Rules 1955.

For Petitioner	: Mr.P.I.Thirumoorthy
For Respondents	: Mr.S.N.Parthasarathi
	Government Advocate

O R D E R

This writ petition has been filed for the issue of Writ of Mandamus, directing the respondents to consider the representation made by the petitioner on 16.03.2015 and to grant certain benefits to the petitioner.



2.It is seen from records that the petitioner had made a similar representation while he was in service and the same was rejected by the 2nd respondent by proceedings dated 16.08.1996. This was confirmed in appeal by the 1st respondent by order dated 12.02.1997. Thereafter, the petitioner submitted one more appeal before the 1st respondent and that was also rejected by order dated 31.04.2008. Ultimately, the petitioner has retired from service in the year 2014. Thereafter, a representation was again made to the respondents to consider the claim of the petitioner.

3.The petitioner not having challenged any of the rejection orders that have been passed earlier, cannot create a new cause of action by merely submitting a representation to the respondents. The orders passed against the petitioner have all become final and therefore, there is no requirement for issuing directions to the respondents to consider the representation made by the petitioner. This Court does not find any merit in this writ petition and accordingly, the same is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP

To

1.The Secretary to Government of Tamil Nadu,
Home (Prison) Department,
Fort St.George, Chennai-9.

2.The Additional Director General of Prisons,
Egmore Chennai-600 008.

3.The Superintendent of Prisons,
Central Prison, Madurai.

+1 CC to Mr.P.I.Thirumoorthy, Advocate Sr. No.18139

+1 CC to Government Pleader Sr. No.18744

W.P.No.5137 of 2020

RK (CO)
RPP (21/05/2020)