



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2020

CORAM

THE HONOURABLE THIRU JUSTICE V.PARTHIBAN

W.P.NO.14221 OF 2020

B.Charles Prabhakaran,
Assistant Director (Retd.),
Directorate of Welfare of Differently Abled Persons Department,
Chepauk, Chennai - 600 005.

... Petitioner

Vs.

1. The Secretary to Government,
Welfare of Differently Abled Persons Department,
Secretariat, Chennai - 600 009.
2. The State Commissioner/
Director of Welfare of Differently Abled Persons Department,
Kamarajar Salai, Chennai - 600 005.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 1st respondent to consider the representations submitted by the petitioner dated 06.07.2020 and 14.08.2020 for sanction of interest for the belated payment of Special Provident Fund and Encashment of Earned Leave / Private Affairs of Rs.11,42,794/- from 01.09.2019 to 10.06.2020, in the light of the orders passed in W.P.No.409 of 2020 dated 14.02.2020, within a reasonable period as may be fixed by this Hon'ble Court.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.R.A.S.Senthilvel
Additional Government Pleader

ORDER

The present writ petition has been filed seeking direction to the first respondent to consider the representation for sanction of interest for the belated payment of Special Provident Fund and Encashment of Earned Leave/private affairs of Rs.11,42,794/- from 01.09.2019 to 10.06.2020. At the time of



admission, this Court noticed that the same writ petitioner approached this Court in W.P.No.1560 of 2020 dated 24.01.2020 for sanction of retirement benefits including the Special Provident Fund and encashment of Earned Leave / private affairs. This Court, in consideration of the averments in that writ petition, has disposed of the writ petition on 24.01.2020 directing the authority to pass appropriate orders on the representation of the petitioner seeking for the said benefit.

2. Thereafter the second respondent by proceedings dated 30.05.2020 sanctioned Special Provident Fund, encashment of earned leave etc. According to the petitioner that he is entitled to interest for the belated payment and therefore, he is once again before this Court. This Court is unable to appreciate as to how the petitioner would approach this Court second time for the same relief, when earlier, for the same relief he has approached this Court in W.P.No.1560 of 2020 and this Court has given direction to pass appropriate orders to the authority in regard to the same relief.

3. The petitioner cannot be allowed to agitate his grievance in a piecemeal fashion. When he had chosen to approach this Court earlier in W.P.No.1560 of 2020, he ought to have prayed for interest to be included while sanctioning the retirement benefits. The petitioner cannot approach this Court at every stage and seek remedies as and when he chooses to invent cause of action for approaching this Court. In any event, this Court does not find there was any inordinate delay in settlement of the dues. In considering the facts and circumstances of the case, this Court finds that the present litigation amounts to abuse of process of this Court and is liable to be rejected outright.

4. Therefore, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

pns/mrm

To

1. The Secretary to Government,
Welfare of Differently Abled Persons Department,
Secretariat, Chennai - 600 009.



2. The State Commissioner/
Director of Welfare of Differently Abled Persons Department,
Kamarajar Salai, Chennai - 600 005.

+1cc to Mr.S.N.Ravichandran, Advocate, S.R.No.32954

+1cc to the Government Pleader, S.R.No.33088

W.P.No.14221 of 2020

MG (CO)
CS/29/10/2020