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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.02.2020

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.5863 of 2016 and
W.M.P.No.5209 of 2016

M.Rajamani

... Petitioner

Vs.

1. The Superintendent of Police,
O/O the District Superintendent of Police,
Sathuvachari,
Vellore-9.
2. The Deputy Superintendent of Police,
Vellore District, At Vellore.
3. The Area Commander,
Tamilnadu Home Guard Force, Vellore,
4. The Sub Inspector of Police,
Tamil Nadu Home Guard Force, Vellore.
5. The Unit Commander,
Tamilnadu Home Guard Force,
Ranipet, Vellore District.

... Respondents

Prayer : This writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other writ or order or direction in th nature of writ, directing the respondents to consider the petitioner's representation dated 22.01.2016 and thereby direct the respondents not to fill up any post of Home Guard in the 5th respondent Unit more particularly replacing the petitioner's post in S.L.No.723 of the 5th respondent Unit.

For Petitioner : No appearance

For Respondents : Mr.S.Thangavel, Spl.Gov.Pleader
for R1 to R5

ORDER

This writ petition has been filed for direction to the respondents to consider the petitioner's representation dated 22.01.2016 and thereby direct the respondents not to fill up any post of Home Guard in the 5th respondent Unit more particularly replacing the petitioner's post in S.L.No.723 of the 5th respondent Unit.



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2. According to the writ petitioner, he was working in the Home Guard Department and he suffered a lot due to the dismissal order passed by the first respondent on 08.10.2014 and therefore, he filed this writ petition.

3. The learned Special Government Pleader submitted that already, the petitioner filed a Writ petition in W.P.No.30496 of 2014 before this court, to quash the order dated 08.10.2014 and the same is pending. He further submitted that, the petitioner again filed this writ petition seeking direction to the respondents not to fill up any post of Home Guard in the 5th respondent Unit and therefore the writ petitioner has no locus standi to file this writ petition, since he can very well seek the the remedy in the earlier writ petition itself. Therefore, he prayed for dismissal of the writ petition.

4. The petitioner himself admitted in this writ petition that already he filed a writ petition in W.P.No.30496 of 2014 before this court, to quash the order dated 08.10.2014, which is the subject matter of this petition. Therefore, the present writ petition seeking direction to the respondents not to fill up the post of Home Guard in the 5th respondent unit is not sustainable and the petitioner can workout his remedy in the above said writ petition itself. Accordingly, this writ petition is liable to be dismissed.

5. In the result, the writ petition is dismissed. No costs. Consequently, connected writ miscellaneous petition is closed.

Sd/-
Assistant Registrar (CCC)

//True copy//

Sub Assistant Registrar

mst

To

1. The Superintendent of Police,
O/O the District Superintendent of Police,
Sathuvachari,
Vellore-9.

2. The Deputy Superintendent of Police,
Vellore District, At Vellore.



3. The Area Commander,
Tamilnadu Home Guard Force, Vellore,

4. The Sub Inspector of Police,
Tamil Nadu Home Guard Force, Vellore.

5. The Unit Commander,
Tamilnadu Home Guard Force,
Ranipet, Vellore District.

+1cc to Government Pleader SR.No.13629

W.P.No.5863 of 2016 and
W.M.P.No.5209 of 2016

VG I(CO)
GMY(10/07/2020)