



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.14272 of 2014

K.Balanagamaiyan

... Petitioner

-Vs-

1. The District Treasury Officer,
Thanjavur.

2. The Sub Treasury Officer,
Kumbakonam, Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to refix the pension of the petitioner.

For Petitioner : Mr.P.Krishnasamy
For Respondents : Mr.V.Anand
Government Advocate

ORDER

The relief sought for in the present writ petition is to direct the second respondent to refix the pension of the petitioner and pass orders.

2.The petitioner states that he joined duty as Constable in the Police Department on 01.11.1962 and retired as Sub-Inspector of Police on 01.02.1996. His pension was fixed based on the last drawn pay and the petitioner is continuously receiving the pension from the year 1996 onwards. He filed the present writ petition, after a lapse of about eight years and the direction is sought for to revise the pension.

3.The learned Government Advocate appearing on behalf of the respondents brought to the notice of this Court that the very same writ petitioner filed another writ petition in W.P.(MD)No.4890 of 2020 with a prayer to refix the pension on the basis of G.O.Ms.No.446, dated 18.09.2007 and the letter of the Government, dated 18.12.2007. This Court also passed an order on 09.03.2020, directing the respondents to consider the representation and pass orders on merits. In the present writ petition also, the petitioner



has referred the same Government Order issued in G.O.Ms.No.446, Finance Department, dated 18.09.2007.

4.The petitioner has filed repeated writ petition with a same prayer and the relief sought for is also based on the same Government Order. Filing of such repeated writ petition cannot be accepted by this Court and therefore, the conduct of the petitioner in filing a second writ petition for the very same relief to re-fix the pension is to be deprecated. However, in the subsequent writ petition, the petitioner secured an order of direction to consider his representation in the matter of re-fixation of pay.

5.The trend of getting such an order by not informing the Court about the pendency of the earlier writ petition is increasing and the legal opinions are also offered in this field. Once the writ petition is filed, the second writ petition cannot be entertained on the same prayer. When the writ petition is pending consideration for the grant of direction, the fresh writ petition is filed and direction is obtained. Thus, the conduct of the petitioner is to be contempt and the petitioner being a retired police officials is not supposed to file such writ petitions by not informing the Court about the pendency of the earlier writ petition.

6.For all these reasons, the petitioner is not entitled for any relief and accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

To

1. The District Treasury Officer, Thanjavur.
2. The Sub Treasury Officer,
Kumbakonam, Thanjavur District.

+1 CC to the SPL GP (SR-22658[F] dated 24/11/2020)

W.P. (MD) .No.14272 of 2014
23.11.2020

SE (CO)
CS (04.12.2020) 2P 4C