



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.12.2021

Coram:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.25491 of 2021

K.Thirumalai

.. Petitioner

Vs.

1. The Chairman & Managing Director,
TANGEDCO,
144, Anna Salai, Chennai-600 002.
2. The Chief Engineer (Personnel),
TANGEDCO,
144, Anna Salai, Chennai-600 002.
3. The Superintending Engineer/CEDC/Central,
TANGEDCO,
Chennai-600 034.
4. The Executive Engineer/O & M/CEDC/Central,
TANGEDCO, Egmore, Chennai-600 012.
5. The Asst. Executive Engineer/O & M/Central,
TANGEDCO, Sowcarpet, Chennai-600 079.
6. The Asst. Engineer/O & M/CEDC/Central,
TANGEDCO, Sowcarpet, Chennai-600 079.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the orders in to call for the records pertaining to the orders in Memo No.069956/628/G.6/G.61/2019, dated 24.05.2021 on the file of the second respondent and to quash the same and to direct the first respondent to consider the mercy petition, dated 24.10.2021 on merits, as per the orders of this Court, dated 03.07.2018 in W.P.No.30581 of 2016.

For petitioner : Mr.R.Selvakumar

For respondents : Mr.P.Subramanian,
Standing Counsel



ORDER

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the orders in Memo No.069956/628/G.6/G.61/2019, dated 24.05.2021 on the file of the second respondent, quash the same and to direct the first respondent to consider the petitioner's mercy petition, dated 24.10.2021 on merits, as per the order of this Court, dated 03.07.2018 passed in W.P.No.30581 of 2016.

2. The petitioner is working as a Wireman under the respondents. While in service, in 2010, he was issued with a Charge Memorandum for certain acts of misconduct. An enquiry appeared to have been conducted into the acts of misconduct of the petitioner. A punishment of stoppage of one year increment with cumulative effect, was imposed on him on 10.03.2011. An appeal has been preferred on 31.03.2011 before the respondent (s), and the same appeared to have been rejected by the third respondent on 19.07.2011.

3. According to the petitioner, he has given a 'mercy petition' on 24.10.2011 to the first respondent, which was also rejected on 04.11.2013 by the second respondent on the ground that the same was time-barred.

4. The above said order dated 04.11.2013 was challenged by the petitioner before this Court in W.P.No.30581 of 2016 and this Court, vide order dated 03.07.2018, directed the first respondent consider the appeal, dated 24.10.2011, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of the order.

5. According to the petitioner, the second respondent, without considering the above said appeal on merits, rejected the same by a non-speaking order on 24.05.2021, which is impugned in the present Writ Petition.

6. According to the petitioner, the impugned order was passed on the ground of limitation, which is illegal and unsustainable and that the impugned order was passed after a period of two years and ten months, flouting the earlier order dated 03.07.2018 passed by this Court in the said W.P.No.30581 of 2016, in which this Court directed the first respondent to consider the said appeal submitted by the petitioner on 24.10.2011 and to pass orders on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of that order. Therefore, one more Writ Petition has been filed now, for the same cause of action.



7. From the above factual narrative, this Court is unable to countenance the case of the petitioner, both on facts and in law. The petitioner cannot be allowed to repeatedly approach this Court for the same cause of action, after considerable passage of time. The cause of action, if at all, any, was in existence, which was of the year 2011 and the punishment was imposed. More than ten years have elapsed and the petitioner still has been repeatedly approaching this Court/respondent-authority, seeking direction for disposal of his so-called 'mercy petition'.

8. As a matter of fact, the said mercy petition has been disposed of on merits, as it was found that there were no fresh grounds adduced by the petitioner. From the contents of the impugned order, it could also be found that a Review Petition has also been filed by the petitioner on 10.02.2014.

9. The repeated attempts by the petitioner before the Court to draw the attention of the officials and even this Court, into its grievance, is a gross abuse of the administrative leniency shown to him and also abuse of process of this Court as well. The petitioner cannot be repeatedly allowed to make representation(s) for the same cause of action, which has been settled long ago and he cannot now knock at the doors of this Court again by way of filing the present Writ Petition.

10. Therefore, the petitioner is now warned that, if any further attempt is made by him to make any further representation either on the administrative side of the respondents, or any attempt to again file a case before this Court for the same cause of action, he would invite imposition of exemplary costs.

11. For the above said reasons, this Court does not think that the present Writ Petition is to be entertained at all. Hence, this Writ Petition is dismissed at the admission stage itself. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

CS



To

1. The Chairman & Managing Director,
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+1cc to Mr.R.Selvakumar, Advocate, S.R.No.63363

+1cc to Mr.P.Subramanian, Advocate, S.R.No.63373

W.P.No.25491 of 2021

SS(CO)
SU(20/12/2021)