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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

CORAM

THE HONOURABLE MR.JUSTICE V. PARTHIBAN

W.P.NO.25955 OF 2021

S.Padmanaban

...Petitioner

Versus

The Secretary,
Tamil Nadu Public Service Commission,
Brayer Bridge Salai,
Chennai - 600 003

...Respondent

Prayers : Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondent to issue service certificate to the petitioner for the period from 10.02.1992 to 08.04.1997.

For Petitioner : Mr.Wesley Isaac

For Respondent : Mr.V.Govardhan

O R D E R

The case of the petitioner is that he was working as Deputy Block Development Officer, having retired from service on 26.04.2014. According to him, he worked as Section Writer from 10.02.1992 to 08.04.1997 in Government service and thereafter, he applied for Group - IV Special Test, passed the same and he was selected and appointed as Junior Assistant on 09.04.1997 in the Department of Rural Development. Thereafter, he attained the age of superannuation on 26.05.2014 and retired from the service.

2. According to the petitioner, he was entitled to 50 % of the service for the period from 10.02.1992 to 08.04.1997 when he worked as Section Writer. However, he could not get service certificate for the above said period to enable him to claim additional pensionary benefits. 3. In the said circumstances, the petitioner had filed a writ petition in W.P.No.40122 of 2015 and this court vide its order dated 23.03.2021 disposed of the Writ Petition directing the respondent to pass appropriate orders on his representation.



4. In pursuance to the directions of this Court, an order was passed on 28.09.2021 rejecting his claim on the ground that his name does not figure at all as having worked as Section Writer and no evidence was available in support of his claim.

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5. In the face of the above rejection order, the petitioner without challenging the said order, has come up with the present writ petition seeking a very same prayer for issuance of writ of mandamus, directing the respondent to issue service certificate.

6. This court is unable to appreciate as to how the present writ petition is maintainable when the authorities concerned has passed an order dated 28.09.2021 rejecting the claim of the petitioner. The petitioner cannot be allowed to repeatedly come to this court for the same cause of action, that too in a case where by a reasoned order dated 28.09.2021, his claim itself was rejected on the basis of the directions of this court in W.P.No.40122 of 2015 dated 23.03.2021. This writ petition is a gross abuse of process of Court and therefore, the same is liable to be dismissed.

7. Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

gpa/mdl

To

The Secretary,
Tamil Nadu Public Service Commission,
Brayer Bridge Salai,
Chennai - 600 003.

+lcc to Mr.P.Wesley Isaac, Advocate Sr.No.64776

W.P.No.25955 of 2021

KG(CO)
RVM(28/12/2021)