



WP No.38918 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-11-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.38918 of 2016

K.Elangovan

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Petitioner

VS.

1.The Secretary to Government,
Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort St. George,
Chennai – 600 009.

2.The Commissioner of Municipal Administration,
Chepauk,
Chennai – 600 005.

3.The Commissioner,
Pattukkottai Municipality,
Thanjavur District.

4.The Commissioner,
Mayiladuthurai Municipality,
Nagapattinam District.

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Respondents



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Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 to implement the orders of this Court passed in WP No.6335 of 2011 dated 31.10.2012 with all service and monetary benefits with interest at the rate of 24% for the delayed monetary settlement with costs of this petition.

For Petitioner	: Ms.S.S.Jhothivani
For Respondents-1 and 2	: Mr.K.Surendran, Additional Government Pleader.
For Respondent-3	: Mr.M.Digvijaya Pandian
For Respondent-4	: Mr.R.S.Selvam

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 to 4 to implement the orders of this Court passed in WP No.6335 of 2011 dated 31.10.2012 with all service and monetary benefits with interest at the rate of 24% for the delayed monetary settlement with costs of this petition.



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2. The petitioner was appointed as Office Assistant on consolidated pay salary. The petitioner as of now is aged about 64 years and retired from service.

3. The grievance of the writ petitioner is that in the earlier writ petition filed by him in WP No.6335 of 2011, this Court passed an order on 31.10.2012, directing the Authorities to pass appropriate orders expeditiously regularising the services of the writ petitioner.

4. The learned counsel for the writ petitioner states that despite the correspondences between the Authorities, the benefit of regularisation was not granted to the writ petitioner. Thus, the writ petitioner is constrained to move the present writ petition.

5. To implement the order passed in a writ petition, another writ petition is not entertainable. The power of Judicial Review under Article 226 of the Constitution of India cannot be extended for the purpose of executing an order already passed by this Court in WP No.6335 of 2011



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dated 31.10.2012.

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6. Thus the relief as such sought for in the present writ petition before this Court to implement the order of the High Court in the writ proceedings is not entertainable.

7. Therefore, the writ petition stands dismissed. However, there shall be no order as to costs.

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Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

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To

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S.M.SUBRAMANIAM, J.

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