



WA(MD)No.634 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.09.2022

CORAM

**THE HON'BLE MRS JUSTICE J. NISHA BANU**  
**AND**  
**THE HON'BLE MR JUSTICE N. ANAND VENKATESH**

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- 1.A.Ramasamy(died)
- 2.Sivagnanam
- 3.R.Petchiammal
- 4.R.Arumugam
- 5.Muthulakshmi
- 6.R.Kalai Arasi

... Appellants/ Writ Petitioners

*(Appellants 2 to 6 are impleaded as per  
order dated 28.09.2022 made in  
C.M.P(MD)No.8587 of 2021)*

**/Vs./**

- 1.The District Elementary Educational Officer,  
Tuticorin.
- 2.The Assistant Elementary Educational Officer,  
Karungulam at Seidunganallur Post,  
Srivaikundam,  
Tuticorin District.
- 3.R.Subbiah
- 4.R.Samy Kumar
- 5.S.Tamil Selvi



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6.R.Karpagaraj  
(Respondents 3 to 6 are impleaded as per  
order of this Court dated 28.09.2022  
made in C.M.P(MD)No.8587 of 2012)

...Respondents/Respondents

**PRAYER:** Appeal filed under Clause 15 of the Letters Patent, praying this Court, to set aside the order dated 12.06.2012 made in W.P(MD)No.1945 of 2007 on the file of this Court and allow this writ appeal.

|               |                               |
|---------------|-------------------------------|
| For Appellant | : Mr.R.Subramanian            |
| For R1 & R2   | : Mr.D.Sasikumar              |
|               | Additional Government Pleader |

### **JUDGMENT**

**J. NISHA BANU,J.**

and

**N. ANAND VENKATESH,J.**

This writ appeal has been filed against the order passed by the learned Single Judge in W.P(MD)No.1945 of 2007 dated 12.06.2012.

2.During the pendency of this writ appeal, the writ petitioner died and the legal representatives have been impleaded.



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3.Heard Mr.R.Subramanian, learned counsel appearing for the appellant and Mr.D.Sasikumar, learned Additional Government Pleader appearing for the first and second respondents.

4.The writ petitioner had challenged the proceedings of the first respondent, dated 02.08.2006 and had sought for a direction to the respondent to extend the benefits to the petitioner as per G.O.Ms.No.203, Personal and Administrative Reforms (S) Department, dated 30.10.2000.

5.The learned Single Judge, on considering the service record of the petitioner, found that the petitioner made a representation to the District Educational Officer, Tuticorin, to fix his pay on par with juniors and the same was rejected by order dated 02.08.1991.

6.Challenging the same, the petitioner filed O.A.No.1904 of 1992. The said O.A was dismissed for default on 04.09.2003. After filing the O.A., the petitioner was promoted as Middle School Headmaster and he retired from service on 31.07.2001 on reaching the age of superannuation. The learned Single Judge also took into consideration the fact that the



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petitioner had challenged the order passed in O.A in W.P.No.1 of 2007.

However, this writ petition was also withdrawn on 03.01.2007. While withdrawing, this Court only permitted the petitioner to workout his remedy in the manner known to law.

7.The petitioner seems to have made another representation on 10.01.2006 claiming for the very same relief to fix his pay on par with juniors with effect from 01.06.1988. This representation was again rejected by the District Educational Officer, Tuticorin, by order dated 02.08.2006. The same was challenged by filing the present writ petition.

8.In the considered view of this Court, the learned Single Judge was perfectly right in dismissing the writ petition on the ground that the petitioner cannot be allowed to re-agitate the matter, which has already come to an end on the dismissal of O.A and the writ petition challenging the same being withdrawn. At the time of withdrawal, this Court only permitted the petitioner to workout his remedy in the manner known to law. That does not mean that the petitioner will once again re-agitate the very same matter, which was the subject matter in the O.A. If the petitioner was serious



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enough to pursue his remedy, the petitioner ought not to have withdrawn the writ petition and should have worked out the remedy then and there.

9. We do not find any merit in this appeal and hence, the writ appeal stands dismissed. No costs.

**(J.N.B.,J.) (N.A.V.,J.)**  
**28.09.2022**

Index : Yes/No

Internet : Yes

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**To:**

1. The District Elementary Educational Officer,  
Tuticorin.
2. The Assistant Elementary Educational Officer,  
Karungulam at Seidunganallur Post,  
Srivaikundam,  
Tuticorin District.
3. The Record Keeper,  
Vernacular Records Section,  
Madurai Bench of Madras High Court,  
Madurai.



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**J. NISHA BANU,J.**

and

**N. ANAND VENKATESH,J.**

Ns

Judgment made in  
W.A.(MD)No.634 of 2012

Dated  
28.09.2022