



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.2709 of 2022

and

W.M.P. (MD) Nos.2403, 2405 & 2407 of 2022

B.Prema

... Petitioner

-vs-

1.The Government of Tamil Nadu,
Rep., by the Deputy Secretary to Government,
Higher Education (G2 Department),
Fort St. George, Chennai-600 009.

2.The Director of Collegiate Education,
Tirunelveli Region, Chennai-6.

3.The Principal Accountant General
(Accounts & Entitlements) of Tamil Nadu,
361, Anna Salai, Chennai-600 018.

4.The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli-627 002.

5.The Secretary,
Sri Parashakthi College for Women,
Courtallam-627 802.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the impugned proceedings issued by the 4th respondent and quash the same in so far as contents in para 3 of the English - No Due Certificate and para Nos.3 & 5 of the Tamil - No Due Certificate dated 22.07.2021 bearing R.C.No.15906/21/2019 concerned, and quash the same and consequently direct the 4th respondent to sanction the DCRG & GPF Closure Final Withdrawal (Teachers Provident Fund Final Closure) of the petitioner who retired as early as 31.07.2019.

For Petitioner : Ms.L.Victoria Gowri
For RR1 to 4 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader



O R D E R

The No-due Certificate, issued by the 4th respondent on 22.07.2021 is under challenge in the present writ petition. Further direction is sought for to direct the 4th respondent to sanction the DCRG and GPF Closure Final Withdrawal of the petitioner.

2.The petitioner was lastly served as Special Grade Assistant and retired from service on 31.07.2019. Admittedly, the petitioner earlier filed W.P.No.26168 of 2014. The said writ petition was filed before the Principal Seat of Madras High Court. Yet another Writ Petition was filed by the petitioner to promote her in W.P.(MD) No.17179 of 2019 before this Bench and the said writ petition was disposed of directing the 4th respondent to forward the pensionary proposal submitted by the petitioner dated 22.07.2019 and if it is in order, settle the benefits. The respondent-Management preferred writ appeal in W.A.(MD) No.1086 of 2019 before this Bench and the Hon'ble Division Bench granted an interim direction on 24.02.2019 as follows:-

"5. Accordingly, without prejudice to the rights of the respondent/writ petitioner in the said writ petition, we direct the fifth appellant college to forward the pension proposal of the respondent/writ petitioner by issuing pension proposal in the pay band of Rs.5200-20200+Grade pay of Rs.2400/-. The said pension proposal shall be forwarded by the fifth appellant to the fourth appellant, within a period of two weeks from the date of receipt of this order. On receipt of such proposal, the fourth appellant shall forward the same to the third appellant, namely, the Accountant General of Tamil Nadu, within a period of six weeks thereafter. The office of the Accountant General, shall consider the proposal and sanction pension by reckoning the pay band as Rs.5200-20200+Grade pay of Rs.2400/- clearly indicating that this is subject to the outcome of W.P.No.26168 of 2014. The authorities shall comply with the above directions with the utmost earnestness within the time frame stipulated. Further orders regarding sanction of appropriate pension will be considered in this writ appeal after disposal of W.P.No.26168 of 2014."

3.Learned counsel appearing for the petitioner made a submission that in spite of the interim order passed by the Hon'ble Division Bench, the 4th respondent has now issued the impugned certificate and the pensionary benefits are not settled.



4.It is pertinent to note that the writ appeal itself is for settlement of pensionary benefits and an interim order was passed in the writ appeal to process the pensionary proposals. In the present case, the pensionary proposals were forwarded and a decision was taken. On account of certain impediment for settling the pensionary benefits in favour of the petitioner, in view of the reasons stated in the impugned order, the pensionary benefits were not settled. Under these circumstances, this Court is of the considered opinion that if at all the petitioner raises any claim with reference to the interim order passed in the writ appeal, or any further related claims, he has to approach the Hon'ble Division Bench of this Bench in the pending writ appeal. Contrarily, writ petition after writ petition cannot be entertained in respect of the same cause of action. In the present writ petition, the cause is relating to the settlement of terminal and pensionary benefits. The Management preferred writ appeal admittedly and an interim order was passed and it is pending. Therefore, a fresh writ petition, on the same cause, need not be entertained and all related grievances, which are the subject matter of the writ appeal, are to be adjudicated in the said writ appeal and multiplicity of proceedings, at no circumstances, be encouraged by the Court. This apart, such multiplicity of proceedings would result in no service to the cause of justice. Therefore, the petitioner is at liberty to move appropriate application, if he chooses to do so.

5.With the above observations and liberty, this Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

To

- 1.The Deputy Secretary to Government,
The Government of Tamil Nadu,
Higher Education (G2 Department),
Fort St. George,
Chennai-600 009.
- 2.The Director of Collegiate Education,
Tirunelveli Region, Chennai-6.



3.The Principal Accountant General
(Accounts & Entitlements) of Tamil Nadu,
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4.The Joint Director of Collegiate Education,
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+1 CC to M/s.SPL.GP (SR-5728[F] dated 11/02/2022)

W.P. (MD) No.2709 of 2022

10.02.2022

NA (CO)

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