



W.P.No.28826 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM :

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.28826 of 2016
and W.M.P.No.24891 of 2016

S.V.P.Ranga Rao

.. Petitioner

Versus

1. The Union of India,
Rep. by its Secretary to Government,
Ministry of Home Affairs,
New Delhi.
2. The Director General,
Central Industrial Security Force,
CGO Complex,
Lodhi Road,
New Delhi - 110 003.
3. The Inspector General,
Central Industrial Security Force,
South Sector, Head Quarters,
Chennai Port Trust Complex,
Chennai - 600 009.
4. The Deputy Inspector General,
Central Industrial Security Force,
South Zone,
Besant Nagar,
Chennai - 600 090.



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5. The Deputy Commandant,
Central Industrial Security Force Unit,
Vallur,
Thiruvallur District.

6. The Assistant Commandant,
Office of the Deputy Commandant,
Central Industrial Security Force Unit,
Vallur,
Thiruvallur District.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus to call the records relating to the order passed by the 5th respondent, dated 16.04.2016 in his order No.E-27099/CISF/VTPP(V)/Fixation/MACP/Document/2016-930 and the impugned order issued by the 6th respondent in his office memorandum No.F-20014/CISF/VTPP-V/ACTS/RECOVERY/2016-2351, dated 01.08.2016 and quash the same and to direct the respondents to fix pay scale prior to 1992 and pay all benefits.

For Petitioner : Mr.A.S.Mujibur Rahman

For Respondents : Mr.V.Chandra Sekaran,
Senior Panel Counsel

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus calling for the records of the fifth respondent, dated 16.04.2016 in order No.E-27099/CISF/VTPP(V)/Fixation/MACP/Document/2016-930



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and the further impugned order issued by the sixth respondent in office memorandum No.F-20014/CISF/VTPP-V/AACTS/RECOVERY/2016-2351, dated 01.08.2016 and quash the same.

2. I am at a loss to understand how the Writ Petition came to be filed before this Court. As a matter of fact, even before proceeding further, my attention is drawn to an order of a learned Single Judge, dated 22.08.2022 in W.P.No.4479 of 2015 filed by the petitioner herein, wherein, he had sought permission to be recognised as Assistant Sub-Inspector Fire (ASI Fire) with effect from 29.10.2013 and had questioned orders which did not grant such promotion. Even when that Writ Petition was dismissed by the order, dated 22.08.2022, the learned Single Judge had taken note of the fact that the petitioner had earlier filed W.P.No.271 of 2004 before the High Court of Andhra Pradesh which was allowed and thereafter, the respondents had filed W.A.No.1143 of 2011 before a Division Bench of the High Court of Andhra Pradesh which was pending and interim stay of the order in the Writ Petition was granted by Division Bench by the order dated 13.12.2011.



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3. Taking note of that particular fact, since the Writ Appeal was pending and all issues relating to service of the petitioner will have to be adjudicated only in that particular Writ Appeal, the learned Single Judge had observed as follows :-

"14. Under these circumstances, this Court is of the considered opinion that the petitioner has not established any acceptable reason for considering his prayer to grant retrospective promotion. As far as the judgment of the High Court of Andhra Pradesh is concerned, the Department preferred a writ appeal which is pending. While so, it may not be proper on the part of the petitioner to file yet another writ petition before the Madras High Court claiming the same relief. This being the factum, the writ petition deserves no further consideration.

15. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs."

4. Even after coming to know of the opinion of the Court that every issue should be adjudicated only before the Writ Appellate Court, this Writ Petition is still being pressed by the learned Counsel for the petitioner herein.



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6. The Writ Petition stands dismissed. Costs of Rs.10,000/- to be paid by the petitioner on or before 31.07.2023 to the Tamil Nadu State Legal Services Authority, Chennai for taking this Court for granted and for filing this vexatious Writ Petition. The Member Secretary, Tamil Nadu State Legal Services Authority is to inform the respondents if the costs have been paid. If the costs are not paid, the Member Secretary must draw the attention of the respondents to that fact and the respondents may inform the High Court of Andhra Pradesh, where the Writ Appeal is pending about this particular fact, that the petitioner has not paid the costs as directed by this Court imposed for his nefarious act of oscillating between High Courts to obtain orders. Consequently, connected miscellaneous petition is closed.

10.07.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Member Secretary,
Tamil Nadu State Legal Services Authority,
Chennai.



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2. The Secretary to Government,
Ministry of Home Affairs,
New Delhi.
3. The Director General,
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C.V.KARTHIKEYAN, J.

grs

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