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W.P.No.24044 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.08.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.24044 of 2023
and W.M.P.No.23533 of 20233

Ashok Kumar

...Petitioner

Vs.

1.The District Collector,
Cuddalore District.

2.The Assistant Director of Panchayats,
Office of the Assistant Director,
Virudhachalam,

3.The Block Development Officer,
Panchayat Union,
Shrimushnam,
Cuddalore District.

4.The President,
Mudikandanallur Panchayat,
Shrimushnam,
Cuddalore District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for
issuance of a Writ of Mandamus, directing the 4th respondent to allow the



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petitioner to discharge his duties as the Overhead Tank Motor Operator in Mudikandanallur Panchayat and consequently to continue to pay his due wages along with arrears in compliance to the directions of the 3rd respondent dated 10.05.2023 in Na.Ka.No.B2/546/2023.

For Petitioner	: M/s.N.A.Nassir Hussain
For Respondents 1 & 2	: Mr.N.Naveen Kumar Government Advocate
For Respondents 3 & 4	: Mr.M.Muthusamy Government Advocate

ORDER

The writ petitioner seeks issue of writ of mandamus directing the 4th respondent to allow the petitioner to discharge his duties as the Overhead Tank Motor Operator in Mudikandanallur Panchayat and consequently to continue to pay his due wages along with arrears as per the directions of the 3rd respondent.

2.Earlier, the petitioner filed a writ petition with similar prayer in W.P.No.21499 of 2023. The prayer in the earlier writ petition reads as follows:



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“ Praying to issue a Writ of Mandamus, forbearing the fourth respondent from any manner interfering with the petitioner functioning as the OTH Motor Operator in the Mudikandanallur Panchayat and consequently to pay the due wages along with arrears as per the directions of the 3rd respondent dated 10.05.2023 in Na.Ka.No.B2/546/2023.”

3.The said writ petition was dismissed by this Court by observing that if at all the order passed by the 1st respondent is not implemented, it is for the petitioner to workout his remedy to implement the order of the 1st respondent . Now, the petitioner filed the present writ petition, seeking direction to the 4th respondent to allow the petitioner to discharge his duties as the Overhead Tank Motor Operator and to continue to pay his due wages along with arrears as per the directions of the 3rd respondent. The prayer in this writ petition is similar to the prayer in the earlier writ petition in W.P.No.21499 of 2023. When earlier occasion this Court had not inclined to entertain the prayer in W.P.No.21499 of 2023, the 2nd writ petition filed by the petitioner for the very same prayer, is not at all maintainable.



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4. Accordingly, the writ petition in W.P.No.24044 of 2023 stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

It is for the petitioner to workout his remedy for implementation of the order passed by the 3rd respondent by moving the 1st respondent.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

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2. The Assistant Director of Panchayats,
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Virudhachalam,
3. The Block Development Officer,
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Shrimushnam,
Cuddalore District.
4. The President,
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S.SOUNTCHAR, J.
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