



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

WEB COPY

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.14512 of 2024

C.Ayyasamy

... Petitioner

Vs.

1.The Secretary to Government,
Home, prohibition and excise Department,
Secretariat,
St. George fort,
Chennai 600 009.

2.The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai 600 004.

3.The Commissioner of Police
Greater Chennai,
Vepery,
Chennai 600 007.

4.The Deputy Commissioner of Police
Flower Bazar District,
Chennai

5.The Assistant Commissioner of Police
Pulianthope Range
Chennai

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1st respondent to consider petitioner's representation dated 25.09.2023 and consequently direct the 2nd Respondent to constitute the separate committee under the competent officer for enquiry of petitioner's probation and call for the all records of the petitioner's service and Service Book.

For Petitioner : Mr.C.Ayyasamy (Party-in-Person)

For Respondents : Mr.R.Ganesan
Government Advocate

ORDER

The petitioner has come up with a prayer to consider his representation dated 25.09.2023 and consequently, direct the 2nd respondent to constitute a separate committee under the Competent Officer for enquiry of the petitioner and probation and call for all the records of the petitioner's service and service book.

2. A perusal of the representation dated 25.09.2023 of the petitioner, the prayer of the petitioner is that he has been wrongly dismissed from service by foisting false case against him and therefore, he requested that the said order



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should be cancelled and all the service benefits should be paid to him. In this regard, a perusal of the records filed by the petitioner, it can be seen that the petitioner was arrayed as an accused in criminal cases and the very same allegations were also made by way of Departmental Charges. The departmental enquiry proceeded with and an order of dismissal from service was passed on 07.11.2001 and the said order was confirmed by an order dated 01.12.2009. Challenging both the orders, the petitioner has filed W.P.No.21727 of 2011. The said writ petition came to be dismissed on 02.03.2020.

3. Aggrieved thereby, the petitioner has filed W.A.No.791 of 2021. By an order dated 08.07.2021, the said writ appeal was also dismissed. In the said writ appeal, a specific ground was also taken that subsequently, the criminal cases have ended in acquittal and therefore, the respondents have to reconsider the case of the petitioner herein. That contention is also dealt with in Paragraph No.10 of the said judgment and negatived. Thereafter, the petitioner once again filed writ petition in W.P.No.34231 of 2022 and when the matter came up for hearing on 23.12.2022, the said writ petition was withdrawn and accordingly, the Court passed order dismissing the writ petition as withdrawn.



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4. It is thereafter, the petitioner is coming by way of third round of litigation. Once the dismissal order has become final and has been affirmed by the Division Bench of this Court, any grounds raised by the petitioner by way of separate and subsequent writ petition cannot be considered. Similarly, after the dismissal order having been affirmed by the Division Bench of this Court and the question of subsequent acquittal in the criminal case has also been considered, there is no question of the petitioner once again making a representation. Therefore, in the absence of any right, this Court cannot now direct the respondents to reconsider the dismissal order by considering the representation of the petitioner.

5. The petitioner in person appearing before this Court would vehemently submit that in none of the criminal cases, any evidence was put against him. He was victimised because he was serving in a straightforward manner in the Department.

6. Be that as it may, so long as his challenge to the dismissal order remains concluded by the order of Division Bench of this Court in W.A.No.791 of 2021, this Court cannot once again reopen nor the petitioner can re-agitate the same.



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7. In view thereof, the Writ Petition filed by the petitioner cannot be

entertained and the same is accordingly dismissed. There shall be no order as to costs.

04.06.2024

Neutral Citation : Yes
dm

To

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D.BHARATHA CHAKRAVARTHY. J.,

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