



W.P.No.19512 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.19512 of 2021

M.Munusamy

... Petitioner

Vs.

The Chief Executive Officer,
Contonment Board,
St. Thomas Mount cum Pallavaram,
Chennai 600 016.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to pass orders on the representation dated 07.09.2020.

For Petitioner : Dr.S.Lingesh for
Mr.C.Balasundar

For Respondent : Mr.C.Mohan for M/s.King & Partridge

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the respondent to pass orders on the representation dated 07.09.2020.



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2. Heard Dr.S.Lingesh, learned counsel for the petitioner and Mr.C.Mohan, learned counsel for the respondent.

3. The petitioner who is said to be working as a Temporary Safaiwala from the year 2010 onwards has filed this Writ Petition seeking a direction to regularise his services by considering his representation dated 07.09.2020.

4. The learned counsel for the petitioner submitted that similarly placed safaiwalas have been regularised by the respondent Board, but the petitioner alone was terminated on 31.01.2017.

5. The petitioner is said to have been continuously making representations on 13.02.2017, 25.02.2019 and 07.09.2020, to allow him to continue his work.

6. The learned counsel for the respondent submitted that the very same petitioner has already filed a Writ Petition in W.P.No.482 of 2017



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and an order has been passed on 06.01.2017, but the same has been suppressed by the petitioner. Further, in the said Writ Petition a specific observation has been made that the petitioner cannot claim that he is entitled for regularisation by way of filing a Writ Petition and he has to take appropriate proceedings before the appropriate forum. In the above order, the following observations has been made in paragraph No.6, which is extracted hereunder:

“6. In the considered opinion of the Court, the petitioner is working in temporary capacity of Sweeper on daily wage basis and his services are yet to be regularized and as such, he cannot be construed as Departmental candidate. If the petitioner is of the view that his services are to be regularized, the remedy open to him is to invoke the jurisdiction of the competent forum. The petitioner is aged about 34 years and as per the notification, the upper age limit prescribed for General Category is 25 years and for Reserved Category, namely SC/St, the upper age limit prescribed is 30 years and since the petitioner has crossed the said limit, he has not been issued with interview call letter.”



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7. Having invoked the powers of this Court on earlier occasion with the same prayer and obtained an order, the petitioner cannot seek the same relief by filing another Writ Petition in a similar fashion by abusing the process of Court. Further, the petitioner is said to have got terminated from service. It is upto him to prove his continuous employment and get appropriate relief, if any, before the appropriate forum as observed in the order of the earlier W.P.No.482 of 2017.

8. In view of the above stated reasons, this Writ Petition is dismissed. No costs.

22.01.2024

Index : Yes

Internet : Yes/No

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To

The Chief Executive Officer,
Contonment Board,
St. Thomas Mount cum Pallavaram,
Chennai 600 016.



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R.N.MANJULA, J.

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