

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.26668 of 2024
and W.M.P.No.29187 of 2024

R.Lakshmi Kanthan

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Generation and Distribution Corporation Limited,
No.800, Annasalai,
Chennai – 600 002.

2.The Superintending Engineer (Civil)
Mettur Therman Power Station I,
Mettur Dam – 634 406,
Salem District.

3.The Executive Engineer (Civil)
Civil Maintenance I
Mettur Therman Power Station I,
Mettur Dam – 634 406.

4.The Assistant Executive Engineer,
Civil Maintenance I
Mettur Therman Power Station I,
Mettur Dam – 634 406.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records in connection with the impugned order issued by the 2nd respondent, the Superintending Engineer (Civil) bearing Ref.No.Koo.Aa.No.Vu Ni A/Ni.Pe.5/Vu.1/Koo.Thani/2024 dated 20.6.2024 and quash the same and directed the respondents to repay the amount recovered from the petitioners salary.

For Petitioner : Mr.K.Sudalai Kannu

For Respondents : Mr.David Sundar Singh
Standing Counsel

ORDER

The cause of action for the present writ petition is nothing but a continuation of the grievance of the petitioner expressed in the earlier writ petitions filed by the petitioner in W.P.Nos.10097 and 10098 of 2018. Unfortunately, these writ petitions came to be withdrawn and accordingly, the writ petitions were dismissed as withdrawn by an order dated 06.03.2023. The petitioner cannot prosecute the cause of action in the present writ petition without reviving the earlier writ petitions. If the petitioner leaves the earlier writ petitions as it is, the present writ petition will be barred by the principles of constructive res judicata.

2.When the above was pointed out to the learned counsel for the petitioner, the learned counsel appearing for the petitioner seeks permission of this Court to withdraw

the writ petition and to take steps to revive the earlier writ petitions which were dismissed as withdrawn.

3.Considering the above submission, this writ petition is dismissed as withdrawn.

No Costs. Consequently, connected miscellaneous petition is closed.

4.The Registry is directed to return back the original copy of the proceedings dated 20.06.2024 to the learned counsel for the petitioner.

12.09.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

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N. ANAND VENKATESH, J.

SSR

- 3.The Executive Engineer (Civil)
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