



WEB COPY



W.P.No.37591 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.37591 of 2024

Charumathy

... Petitioner

Vs.

1.The Registrar

Central Administrative Tribunal,
Chennai Bench.

2.The Principal Secretary,

Education Department,
Government of Puducherry,
Goubert Avenue, Chief Secretariat,
Puducherry.

3.Directorate of School Education,

Government of Puducherry,
100 Feet Road, Anna Nagar,
Puducherry.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,



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praying for the issuance of Writ of Certiorarified Mandamus, calling for records pertaining to the passing of order dated 08.11.2024 in CP/310/00149/2024 in OA/310/00565/2024 on the file of the first respondent and quash the same and consequently to direct the first respondent to initiate contempt proceedings against the third respondent within a stipulated period fixed by this Court.

For Petitioner : Mr.A.Rajarajan

For R1 : Tribunal

For R2 & R3 : Mr.R.Syed Mustafa
Special Public Prosecutor

ORDER

[Order of the Court is made by **S.M.SUBRAMANIAM, J.**]

The writ on hand has been instituted challenging the order dated 08.11.2024 passed in C.P.No.149 of 2024 in O.A.No.565 of 2024.

2.The writ petitioner filed O.A.No.565 of 2024 seeking the relief of direction to the respondents therein to implement G.O.Ms.No.65 dated 05.01.2016 to the applicant by converting the post of Balasevika into PPST and absorb the applicant in the post of Pre Primary School Teacher [PPST] and pay the salary attached to the post and calculate the difference in salary



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and pay the same to the applicant with arrears.

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3. Though the writ petitioner has asked a positive relief before the Tribunal in the original application, the learned counsel for the applicant before the Tribunal restricted the relief by way of oral submission which was recorded by the Tribunal by stating that the applicant would be satisfied if a direction is issued to the competent authority to dispose of the representation dated 03.01.2024.

4. Since the applicant restricted his original prayer sought for in the original application, the Central Administrative Tribunal passed an order on 26.04.2024 directing the respondents therein to consider the representation dated 03.01.2024 in the light of G.O.Ms.No.65 dated 05.01.2016.

5. The respondents considered the representation pursuance to the directions issued by the Tribunal and passed an order admittedly in proceedings dated 21.10.2024. The claim of the writ petitioner was rejected. The writ petitioner filed a Contempt Petition before the Tribunal on the ground that the spirit of G.O.Ms.No.65 was not considered despite the fact



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that the Tribunal made an observation that the representation must be disposed of in the light of G.O.Ms.No.65. The Tribunal granted liberty to the petitioner to challenge the order of rejection dated 21.10.2024 and closed the contempt proceedings. Thus, the present writ petition came to be instituted.

6.The learned counsel for the petitioner would submit that the spirit of the order of the Tribunal to consider the representation in the light of G.O.Ms.No.65 was not done by the respondents. Therefore, the contempt petition is sustainable. Closing of the contempt petition is erroneous and therefore, the present writ petition is filed.

7.A direction to consider the representation must be entertained only in the event of establishing a right. Passing an order of routine direction to consider the representation may be an easy way out for the Courts to dispose of the cases. However, such directions would do no service to the cause of justice and the litigants are back again to the Court by filing further litigations. The Courts cannot encourage multiplicity of litigations and the



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issues are to be decided on merits at all circumstances.

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8. On some occasions, even the litigants file applications/writ petitions seeking substantive or comprehensive prayer. The learned counsel for the petitioners are restricting their prayer while hearing of the matter. Based on their request, the Courts are passing orders to consider the representation. They are attempting to play a tricky role by getting an observation that the representation is to be considered based on some Government Orders, Rules, etc. After passing of a final order by the competent authority rejecting the claim, they are attempting to take undue advantage of the observations made by the Courts that the representation is to be decided in the light of the Government Order, Rules, etc. Such practice of the litigants before the Court at no circumstances be appreciated but to be deprecated.

9. Once cases are filed seeking comprehensive prayer, the issues are to be decided on merits with reference to the rights established to redress the grievances. Contrarily such routine directions issued to dispose of the representation in the light of Government Orders or Rules always misinterpreted by the litigants and by filing contempt application, they are



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attempting to achieve their goal in an indirect manner.

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10.Yet another concern of this Court is that such orders of direction to dispose of the representation are paving way for corrupt practices in Government Departments. The litigants are taking such an order for opening up a file in the Government Department and attempting to achieve their goal through corrupt practices.

11.We are of the considered opinion that the Courts are expected to adjudicate the issues on merits and dispose of the same. Direction to consider the representation may be an easy way out for disposal but it is resulting in further complications and paving way for corrupt activities. The case on hand is one such case where the petitioner is attempting to take undue advantage of the observations of the Tribunal that the representation is to be disposed of in the light of G.O.Ms.No.65. The expectation of the petitioner is that the relief originally sought for in the application should have been granted by the authorities merely based on the direction issued by the Tribunal to dispose of the representation. This exactly is the reason why



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this Court has necessarily form an opinion that such orders are paving way for misrepresentation or to achieve their goal in an indirect manner.

12.The petitioner has not made out any case nor the respondent have committed wilful disobedience of the orders of this Court. They have decided the issues and passed an order on merits by disposing of the representation. That being so, we are not inclined to entertain the present writ petition.

13.Accordingly, the writ petition stands dismissed. No costs.

[S.M.S., J.] [M.J.R., J.]
10.12.2024

Index : Yes/No
Neutral Citation : Yes/No
Speaking order / Non-speaking order

cse



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