



W.A(MD)No.235 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2024

CORAM

**JUSTICE N. SESHASAYEE
and
JUSTICE P.VADAMALAI**

W.A(MD)No.235 of 2020

R.Arunagiri

... Appellant/Petitioner

Vs.

1.The State of Tamilndu Rep. by
Secretary to Government,
Health & Family Welfare Department,
Secretariat,
Chennai-9.

2.The Director of Public Health & Preventive Medicine,
D.M.S. Compound,
Teynempet,
Chennai – 600 006.

3.N.S.Nagarajan

....Respondents/Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent, against the order dated 27.08.2019 made in W.P(MD)No.2184 of 2012.

For Appellant	:Mr.G.Sailendrababu
For R-1 & R-2	:Mr.A.Baskaran, Additional Government Pleader
For R-3	:Mr.V.Panneer Selvam



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JUDGMENT

(Judgment of the Court was delivered by N.Seshasayee, J.)

This appeal is preferred challenging the order passed by a learned Single Judge dismissing W.P(MD)No.2184 of 2012, dated 27.08.2019.

2. Brief facts of the case are as below:

- a) The appellant herein was appointed as Leprosy Inspector with the Government Primary Health Centre at Tirunelveli. One of the Posts in Primary Health Centre is Social Psychologist. The vacancy to the said post is filled up by transfer. Accordingly, on 18.11.1998, applications were called for to the post of Social Psychologist by transfer. According to the appellant, the third respondent who joined the services only in 1998 as Leprosy Inspector was recommended for promotion by the second respondent herein and eventually, the third respondent was appointed. This became the subject matter of contention by the appellant in O.A.No.1052 of 1999 before the State Administrative



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Tribunal. After the abolition of the State Administrative Tribunal, the appellant filed W.P(MD)No.415 of 2008 before this Court. On 25.02.2021, this writ petition came to be dismissed.

- b) Aggrieved by the order passed in W.P(MD)No.415 of 2008, the appellant herein preferred W.A(MD)No.531 of 2011. Before the appellate Court, the appellant herein had made a statement that he would be satisfied if liberty is given to him to make a representation before the Director of Public Health and Preventive Medicine, the second respondent herein. Recording the said statement, the writ appeal came to be disposed of. Subsequently, the second respondent herein had passed an order dated 11.01.2012 rejecting the appellant's request. This became the subject matter of dispute in the present writ petition in W.P(MD)No.2184 of 2012. The learned Single Judge had taken a view that inasmuch as the appellant has superannuated, the same does not merit consideration. This order of the learned Single Judge is now under challenge.



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3. Heard both sides. This Court does not consider that there inheres a right in the appellant to challenge the impugned order. Indeed, the order which he was required to challenge was the one covered in W.P(MD)No.415 of 2008. Having lost the said writ petition and having chosen not to prosecute W.A(MD)No.531 of 2011 to its logical end, the appellant cannot build a cause of action based on the impugned order. In other words, what has been categorically lost by him in W.P(MD)No.415 of 2008, cannot be revived on the pretext of the impugned order. This Court finds that nothing survives in this writ appeal.

4. In the result, this writ appeal stands dismissed. No Costs.

(N.S.S., J.) (P.V.M., J.)
09.07.2024

NCC : Yes/No
Index : Yes/No

PM



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To

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- 2.The Director of Public Health & Preventive Medicine,
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and
P.VADAMALAI, J.

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