WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.10.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.14081 of 2018
and
W.M.P.(MD)No.12769 & 12770 of 2018

M.Malaivelu ... Petitioner

/Vs./

1.The State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Finance (Local Fund) Department,
Fort St.George,
Chennai - 09.

2.The Director of Local Fund Audit,
Combined Finance Department Office Complex,
4th Floor, Nanthanam,
Chennai - 600 035. ... Respondents

PRAYER**:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in G.O.Ms.No.49, Finance (Local Fund) Department, dated 14.02.2018 on the file of the respondent No.1 and quash the same as illegal and consequently to direct the respondents

https://www.mhc.tn.gov.in/judis

WEB COPY

to make promotions to 47 Vacancies of Assistant Director of Local fund Audit for the year 2016-2017 by preparing a fresh panel of Inspectors of Local Fund Audit promoted vide proceedings in Se.Mu.Order Na.Ka.No.Pa.Ni.1(1)/5550/2016, dated 01.04.2016 on the file of the Respondent No.2, within the time stipulated by this Court.

For Petitioners : Mr.S.Louis
For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

This writ petition has been filed challenging the impugned promotional panel dated 14.02.2018 issued by the first respondent. The petitioner has challenged the promotional panel on the ground that his name has been wrongly excluded.

2. Earlier, the very same petitioner had filed a writ petition in WP(MD)No.323 of 2018 challenging the proposal of the respondents to exclude the petitioner's name in the promotional panel for the year 2016-2017. However, despite the fact that the petitioner was enjoying

https://www.mhc.tn.gov.in/judis

WEB COPY

the benefit of an interim order, the petitioner had withdrawn the said writ petition by orders of this Court on 29.01.2018. Though the petitioner may contend that only based on the assurance given by the respondents that his name will be included in the promotional panel, he had withdrawn the earlier writ petition, the order dated 29.01.2018 passed by this Court in the earlier writ petition namely, WP(MD)No.323 of 2018 does not disclose the same. The petitioner had also not obtained permission from this Court, when his earlier writ petition was disposed on 29.01.2018 that incase he fails to get the relief, he will be approaching this Court once again seeking for the very same relief.

3. The order dated 29.01.2018 passed by this Court permitting the petitioner to withdraw the writ petition in WP(MD)No.323 of 2018 is unconditional withdrawal, as it does not disclose the reasons given by the petitioner for filing this writ petition. This Court had also not granted any leave for the petitioner to file a fresh writ petition on the same cause of action. In view of the aforesaid fact, the question of entertaining this writ petition in respect of the same cause of action that was involved in the earlier writ petition in WP(MD)No.323 of 2018 does not arise.

https://www.mhc.tn.gov.in/judis

WEB COPY

4. In the result, there is no merit in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

21.10.2024

Index : Yes / No
NCC : Yes / No
Sm

https://www.mhc.tn.gov.in/judis

WEB COPY

TO:-

1.The Additional Chief Secretary to Government,
Finance (Local Fund) Department,
Fort St.George,
Chennai - 09.

2.The Director of Local Fund Audit,
Combined Finance Department Office Complex,
4th Floor, Nanthanam,
Chennai - 600 035.

https://www.mhc.tn.gov.in/judis

WEB COPY

ABDUL QUDDHOSE, J.

Sm

Order made in
W.P.(MD)No.14081 of 2018

Dated:
21.10.2024

https://www.mhc.tn.gov.in/judis