



W.P.(MD)No.14898 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.14898 of 2025

Kandasamy

... Petitioner

-VS-

1.The Secretary to Government of Tamil Nadu,
Revenue Department,
Secretariat, Fort St.George, Chennai - 9.

2.The Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.

3.The District Collector,
Madurai District.

4.The Tahsildar,
Peraiyur Taluk Office,
Peraiyur, Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation dated 08.01.2025 in the light of the order passed by this Court within the stipulated time period fixed by this Court.



W.P.(MD)No.14898 of 2025

WEB COPY

For Petitioner : Mr.R.Sundar
For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents to consider the petitioner's claim for fixation of pay in the post of Revenue Assistant, based on the pay received in his erstwhile post of Village Administrative Officer and to fix his scale of pay with retrospective effect from the year 2013 by relaxing the rules, if necessary, considering the petitioner's representation dated 08.01.2025.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The learned counsel for the petitioner submits that the petitioner is an ex-serviceman, who was appointed as a Village Administrative Officer (VAO) through direct recruitment by the TNPSC on 11.04.2008 and served in that post at the Taluk Office, Thirumangalam, Madurai District, till 07.03.2013. After regularization and completion of probation, his basic pay was fixed at Rs.7,600/- in 2012.



W.P.(MD)No.14898 of 2025

WEB COPY

4. The learned counsel for the petitioner further submits that the petitioner later appeared for the TNPSC Combined Civil Services Examination (Group II Services) and was selected and appointed as Revenue Assistant on 08.03.2013 at a basic pay of Rs.5,200/-, which was substantially lower than his pay as VAO. As a result of this pay anomaly, the petitioner sustained a financial loss of around Rs.8,000/- per month, despite transitioning to a higher cadre post through a merit-based process. Therefore, the petitioner submitted a representation to the District Collector, Madurai, who replied on 16.02.2015 that no provision existed for the relief sought for by the petitioner and that only the Government could relax the rules to correct the pay disparity.

5. The learned counsel for the petitioner further submits that the Tahsildar, Peraiyur Taluk (fourth respondent) recommended the petitioner's request through the District Collector (third respondent) and the petitioner made a representation dated 24.07.2016 to the Secretary, Revenue Department (first respondent), seeking relaxation of rules and pay protection. Pursuant to the directions of this Court, a proposal was sent to the Government on 28.07.2016. However, by Government Order in G.O.(2D)No.43 dated 12.02.2020, the first respondent



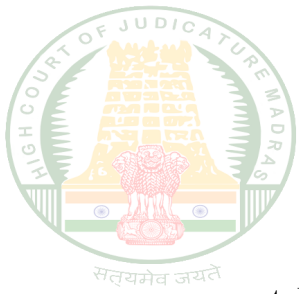
W.P.(MD)No.14898 of 2025

rejected the petitioner's claim, citing Rule 11(b) of the Tamil Nadu Fundamental Rules.

6. The petitioner challenged this rejection in W.P.(MD)No.7574 of 2024, which was dismissed on the same grounds. Thereafter, on 08.01.2025, the petitioner again submitted a detailed representation to all concerned authorities, but no action has been taken so far. Hence, the present Writ Petition.

7. The learned Additional Government Pleader appearing for the respondents submits that the petitioner had earlier filed W.P.(MD)No.7574 of 2024, challenging the Government Order in G.O.(2D)No.43 dated 12.02.2020, which pertains to the rejection of his claim for pay fixation and relaxation of rules. This Court, by its order dated 24.04.2024, dismissed the said Writ Petition after considering the petitioner's grievance on merits, particularly in the light of the Rule 11(b) of the Tamil Nadu Fundamental Rules.

8. It is further submitted that the present Writ Petition, filed by the petitioner seeking a direction to consider his representation dated 08.01.2025 for the very same relief, amounts to a second round of litigation on the same cause of action. Therefore, the learned Additional Government Pleader contends that the



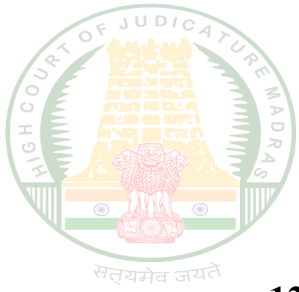
W.P.(MD)No.14898 of 2025

present Writ Petition is not maintainable and is liable to be dismissed, as the matter has already attained finality through a judicial order.

9. This Court has carefully considered the submissions made on either side and perused the materials available on record.

10. It is seen that the petitioner had earlier filed W.P.(MD)No.7574 of 2024, challenging G.O.(2D)No.43, dated 12.02.2020, whereby his request for pay fixation and relaxation of rules was rejected. This Court, by a reasoned order dated 24.04.2024, had dismissed the said writ petition, thereby adjudicating the petitioner's grievance on merits.

11. In the present Writ Petition, the petitioner seeks substantially the same relief, merely through a fresh representation dated 08.01.2025, which does not give rise to a fresh cause of action. Once this Court has already examined the issue and rendered its decision, there is no occasion for the petitioner to re-agitate the same matter under the guise of a subsequent representation. Accordingly, this Court finds that the present writ petition is not maintainable and is liable to be dismissed.



W.P.(MD)No.14898 of 2025

WEB COPY

12. In view of the above, the Writ Petition stands dismissed, as this Court has already examined and adjudicated the petitioner's claim by order dated 24.04.2024 in W.P.(MD)No.7574 of 2024 and no fresh cause of action has arisen to warrant the filing of the present Writ Petition. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
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02.06.2025

To:-

- 1.The Secretary to Government of Tamil Nadu,
Revenue Department,
Secretariat, Fort St.George, Chennai - 9.
- 2.The Commissioner of Revenue Administration,
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- 3.The District Collector,
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W.P.(MD)No.14898 of 2025

VIVEK KUMAR SINGH, J.

smn2

W.P.(MD)No.14898 of 2025

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