



WEB COPY



WA No. 3832 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-01-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

W.A No. 3832 of 2025

S.K.Subbiah
S/O.Karuppanan, Plot No.209, Kavi Mani Street,
Srinivasa Nagar, Chennai-600 091.

..Appellant

Vs

1. Government Of Tamil Nadu
Represented By Secretary To Government, Animal
Husbandry, Dairying And Fisheries Department,
Secretariat, Chennai-9.
2. The Commissioner Director Of Fisheries,
Chennai-600 035.

..Respondent

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the order dated 02-03-2020 in WP.No.11369 of 2013.

For Appellant :	Mr.R.Thamaraiselvan
For Respondents :	Mr.P.Muthukumar, Additional Advocate General assisted by Mr.S.John J.Rajasingh Additional Government Pleader

Judgment

(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra Court appeal has been filed against the order of the learned Writ Court dated 02.03.2020 made in W.P.No.11369 of 2013.



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2. The appellant was the writ petitioner. He was initially appointed as Junior Assistant in the Fisheries Department in 1967. Then he became eligible to be promoted to the post of Assistant in the year 1973-74. However, at that time for want of clearing Accounts Test, he was not promoted. However, he sought for such promotion belatedly and it was given. Therefore, in order to get his name included in the panel for promotion to the post of Assistant in the year 1973-74 and to get consequential promotion in that year itself, he approached the Government. The Government passed a Government Order in G.O.(2D) No.11 dated 29.04.1998 directing his name to be included in the panel for the post of Assistant at the appropriate place and accordingly his name was included.

3. Subsequently, it came to be known to the Government that he was not eligible to be posted as Assistant in the year 1974 as on the crucial date he had not completed the Accounts Test, and therefore the Government reversed the said decision by passing a Government Order in G.O.(2D) No.29.09.2000 and accordingly the earlier Government Order ie., G.O(2D) No.11 dated 29.04.1998 was revoked. As against the said order, the writ petitioner / appellant filed Original Application in O.A.No.7541 of 2000 before the Tamil Nadu Administrative Tribunal, where he was able to get an interim order on 17.10.2000.



4. On the strength of the interim order of stay, he was continuing in the promoted post of Assistant. Subsequently, on abolition of the Tamil Nadu Administrative Tribunal, the case stood transferred to this Court and was renumbered as W.P.No.45955 of 2006. The said writ petition was disposed of by an order dated 20.01.2011, where the Writ Court has treated that since the appellant / writ petitioner retired from service on 30.04.2005, and at the time of retirement, he was working as Superintendent, in the said category he can be conferred with the benefits by fixing his last drawn pay and accordingly pensionary benefits also can be fixed and paid to him. This was the order passed by the Writ Court as early as on 20.01.2011.

5. The said order was accepted and implemented by the respondents by calculating his pension as per the last drawn pay of the writ petitioner / appellant as if that he was working as Superintendent on the date of his superannuation ie., on 30.04.2005. Therefore, there is absolutely no grievance for the writ petitioner / appellant to re-agitate the issue once again.

6. Despite this factor, he had once again approached the Writ Court by filing W.P.No.11369 of 2013 seeking a writ of Mandamus directing the respondent Department to include his name in the panel for promotion for the post of Assistant in the year 1973-74 and to give him notional promotion at various stages and also to



fix his pay notionally at the time of superannuation ie., on 30.04.2005 and accordingly revise the pension and to pay his arrears of pension. That was the plea raised by him in the writ petition.

7. Having considered the factual matrix as has been discussed herein above, the learned Writ Court, after having recorded the order in the first round of litigation in the writ petition in W.P.No.45955 of 2006 dated 20.01.2011, has dismissed the writ petition stating that the said order passed by the Writ Court in the first round of litigation dated 20.01.2011 having been implemented and the revised pension in the post the Superintendent at the time of superannuation since has been accepted and paid, no further grievance raised on behalf of the writ petitioner can be redressed and the writ petition was dismissed.

8. We are in complete agreement with the view taken by the learned Writ Court for the simple reason that, the very same writ petition filed by the petitioner in the first round of litigation having been disposed of and an order was passed by the Writ Court on 20.01.2011, which was accepted by the petitioner and implemented by the respondents, as against which no appeal has been filed by either of the parties, a quietus has been given to the issue and the same cannot be re-agitated. The appellant, therefore has raised yet another frivolous litigation and hence the writ appeal is liable to be dismissed with costs. However, we restrain ourselves from



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imposing any costs. Accordingly, the writ appeal though being a frivolous one, is dismissed without costs.

(R.S.K.,J.) (S.S.A.,J.)
09-01-2026

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

KST

To

1. The Secretary To Government,
Animal Husbandry, Dairying And Fisheries
Department, Secretariat, Chennai-9.
2. The Commissioner / Director Of Fisheries,
Chennai-600 035.



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AND
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