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WP No. 16266 of 2020



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2026

CORAM

THE HONOURABLE MR.JUSTICE T. VINOD KUMAR

**WP No. 16266 of 2020 and
WMP No.20329 of 2020**

P.Pitchaimani

Petitioner

Vs

The Secretary to Government of Tamil Nadu
Public Works (E2) Department,
Fort.St.George, Secretariat,
Chennai-600 104.

Respondent

PRAYER Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in G.O.(D).No.218 Public Works (E2) Department dated 04.07.2018 and quash the same and consequently direct the respondents to permit the petitioner to retire peacefully with effect from 31.07.2012 and grant him pension and other terminal benefits.

For Petitioner: Mr.V.Vijayashankar

For Respondent: Mr.L.S.M.Hasan Fizal,
Additional Government Pleader

ORDER

The petitioner by the present writ petition, assailed G.O.(D).No.218 Public Works (E2) Department, dated 04.07.2018.



2. Pursuant to the direction of this Court, the learned Additional Government Pleader has placed before this Court, the record relating to the serving of the proceedings vide G.O.(D).No.218 Public Works (E2) Department dated 04.07.2018 on the petitioner on 23.08.2018 and the further proceedings of the Principal Secretary to Government disposing of the Review Petition filed by the Petitioner against the above mentioned order vide G.O.(D) No.193, dated 11.07.2019 having been served on the petitioner on 23.10.2019 duly acknowledged by him affixing his signature on the office copy.

3. In view of the above, it is clear that the petitioner had availed the remedy of Review against the impugned order and as the Review has also been dismissed vide G.O.(D).No.193, Public Works (F2) Department dated 11.07.2019, the petitioner without assailing the correctness of G.O.(D).No.193, dated 11.07.2019 and suppressing the fact that the aforesaid Review order having been served on him on 23.10.2019, had approached this Court assailing the original impugned order which stands merged with the order in G.O.(D).No.193, dated 11.07.2019.

4. Since the petitioner approached this Court by suppressing the subsequent proceedings and also seeking to lay challenge to the original proceedings which ceases to exist by applying the principle of Merger, the



action of the petitioner in filing the present writ petition would amount to be approaching this Court with unclean hands.

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5. It is a settled position of law that the party invoking equity jurisdiction under Article 226 of the Constitution of India, is required to make true and complete disclosure and should not resort to suppression. Since, the petitioner while approaching this Court by filing the present writ petition, had suppressed the subsequent proceedings in G.O.(D).No.193, dated 11.07.2019 served on him on 23.10.2019, this Court is of the view that the petitioner is not entitled for being shown any indulgence by entertaining the writ petition.

6. The Hon'ble Supreme Court in the case of ***K.D.Sharma Vs. SAIL*** [(2008) 12 SCC 481] held that:

“34.The jurisdiction of the Supreme Court under Article 32 and of the High Court under Article 226 of the Constitution is extraordinary, equitable and discretionary. Prerogative writs mentioned therein are issued for doing substantial justice. It is, therefore, of utmost necessity that the petitioner approaching the writ court must come with clean hands, put forward all the facts before the court without concealing or suppressing anything and seek an appropriate relief. If there is no candid disclosure of relevant and material facts or the petitioner is guilty of misleading the court, his petition may be dismissed at the threshold without considering the merits of the claim.”



7. The judgment of *K.D.Sharma (cited supra)* was followed in *ABCD Vs. Union of India [(2020) 2 SCC 52]*.

8. The Hon'ble Supreme Court in the case of **State of Maharashtra Vs. Digambar [(1995) 4 SCC 683]**, held that:

“19. Power of the High Court to be exercised under Article 226 of the Constitution, if is discretionary, its exercise must be judicious and reasonable, admits of no controversy. It is for that reason, a person's entitlement for relief from a High Court under Article 226 of the Constitution, be it against the State or anybody else, even if is founded on the allegation of infringement of his legal right, has to necessarily depend upon unblameworthy conduct of the person seeking relief, and the court refuses to grant the discretionary relief to such person in exercise of such power, when he approaches it with unclean hands or blameworthy conduct.”

9. The above judgment of Hon'ble Supreme Court in *Digambar (cited supra)* was followed in *ITC Ltd., Vs. Blue Coast Hotels Ltd., [(2018) 15 SCC 99]*.

10. In view of the above, since, the petitioner has suppressed the fact of he having filed Review and the said Review having been rejected while



invoking the equity jurisdiction earlier seeking the same relief as sought for in the present writ petition, this Court is of the view that the petitioner is not entitled for being granted any relief and the present writ petition is liable to be dismissed on the ground of suppression and misrepresentation.

11. Accordingly, the writ petition is dismissed with costs of Rs.10,000/- (Rupees Ten Thousand only) payable by the petitioner to the High Court Legal Services Committee, Madras High Court within a period of four weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

05-03-2026

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Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

To

1.The Secretary

To Government of Tamil Nadu Public

Works (E2) Department Fort.St.George

Secretariat chennai-104



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