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W.P.NO.15113 OF 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2026

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR**

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E.Munirathinam
Senior Bailiff (Retired)
S/o. G.Ethiraj
No.42/2, Market Street,
Sholinghur,
Ranipet District – 632 102.

... Petitioner

Vs.

1.The Registrar General
Madras High Court
Chennai – 600 104.

2.The Principal District Judge
Ranipet,
Ranipet District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, by calling for the records relating to the second respondent herein in Dis.No.1674/2024/Admin dated 31.07.2024 and quash the same and consequently direct the first respondent respondent herein to confer the Selection Grade Senior Bailiff with effect from 02.12.1993 and Special Grade Bailiff with effect from 02.12.2003 to the petitioner and



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consequently revise the petitioner's pensionary benefits and confer all the benefits with due regards to his seniority.

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For Petitioner : Mr.R.S.Anandan
For Respondents : Mr.V.Vasantha Kumar
Standing Counsel

ORDER

Order of the Court was made by S.M.Subramaniam, J.)

The order returning the application submitted by the petitioner seeking Selection Grade and Special Grade in the post of Senior Bailiff with retrospective effect is under challenge in the present writ proceedings.

2.The petitioner joined the service as Dalayat on 12.02.1971 and his service was regularised with effect from 01.01.1973. After completion of ten years of service, Selection Grade in the post of Process Server was granted with effect from 01.01.1983. The petitioner was promoted to the post of Senior Bailiff on 02.12.1983 and his service in the post of Senior Bailiff was regularised with effect from 01.01.1985. Selection Grade in the post of Senior Bailiff was granted with effect from 01.01.1995. Consequently, Special Grade Senior Bailiff was granted with effect from 01.01.2005. The petitioner retired from service on 30.04.2009 on attaining the age of superannuation.



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3.The petitioner submitted an application in the year 2024 to the Principal District Judge, Ranipet, claiming retrospective Selection Grade and Special Grade benefits in the post of Senior Bailiff based on the order of this Court dated 11.09.2023 passed in W.P.No.34741 of 2022. The said writ petition was filed by one Mr.P.Thirunavukkarasu, who was also working as a Senior Bailiff.

4.Mr.R.S.Anandan, learned counsel appearing on behalf of the petitioner has mainly contended that the benefit of Selection Grade and Special Grade was granted to the said Mr.P.Thirunavukkarasu in W.P.No.34741 of 2022. Thus, the said benefit is to be extended to the writ petitioner herein. The respondents without even considering the application, returned the same by merely stating that the above order cannot be applied to the petitioner's service and the said order was passed only in respect of Mr.P.Thirunavukkarasu. The learned counsel would contend that, when the petitioner is also placed in an identical situation, the benefit of the order is to be extended to him.

5.Mr.V.Vasantha Kumar, learned Standing Counsel appearing on behalf of the respondents would oppose by stating that the



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case of the petitioner is falling in a different footing. The petitioner was not considered for grant of Selection Grade for the period from 02.12.1983 to 31.12.1984. However, he was granted Selection Grade in the post of Senior Bailiff with effect from 01.01.1995 and Special Grade with effect from 01.01.2005 and retired from service in the year 2009. He would rely on a judgment of the Hon'ble Supreme Court in **INDER PAL YADAV VS. UNION OF INDIA**, reported in **(1985) 2 SCC 648** by stating that the principles therein apply to the treatment of similarly situated employees only if the facts and service conditions are identical, which is not the case of the petitioner. The eligibility has to be assessed based on the service particulars of the individuals and also based on the date of promotion and regularisation etc.

6.The learned Standing Counsel appearing on behalf of the respondents would further contend that in the present case, the petitioner claims Selection Grade, taking into consideration the date of promotion with retrospective effect, which cannot be granted. It is further contended that the Selection Grade and Special Grade is regulated strictly in accordance with the Government Orders issued from time to time and is subject to fulfilment of the prescribed conditions. Already Selection Grade and Special Grade was granted to the petitioner as per the rules in force and after verification of his service particulars. Therefore, the petitioner



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cannot claim retrospective conferment of such benefits merely on the basis of his date of promotion without satisfying the eligibility criteria prescribed under the relevant rules.

7.This Court is of the considered view that the perusal of the writ petition order relied on by the petitioner would show that certain individual facts of the writ petitioner therein was considered by the Court and an order was passed that the petitioner therein would be entitled for re-fixation of Selection Grade pay with effect from 01.10.1986 and he would be entitled for revision of pension with effect from the date of superannuation. The said order was passed purely based on the facts involved in the said case. However, the legal principles relating to delay and laches in the present case are required to be considered independently.

8.In the present case, Selection Grade and Special Grade was granted to the writ petitioner with effect from 01.01.1995 and 01.01.2005 respectively. He retired from service on 30.04.2009. Accepting the Selection Grade in the year 1995 and Special Grade in the year 2005, he served in the Judicial Department and attained the age of superannuation. He was receiving pension from the year 2009 onwards. Nearly after three decades from the date of grant of Selection Grade, two



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decades from the date of grant of Special Grade, and after a lapse of sixteen years from the date of retirement, the petitioner has approached this Court claiming the grant of Selection Grade and Special Grade with retrospective effect. Therefore, the claim by itself is stale and is hit by the principles of delay and laches. Having accepted the Selection Grade and Special Grade long ago, the petitioner now cannot turn around and claim monetary benefits. In the event of considering such cases at this length of time, it will result in opening a Pandora's box, enabling the employees who retired several decades ago, to approach this Court, by filing petitions claiming monetary benefits, which would result in a huge financial burden to the exchequer.

9. For all the above reasons, the writ petition is dismissed.

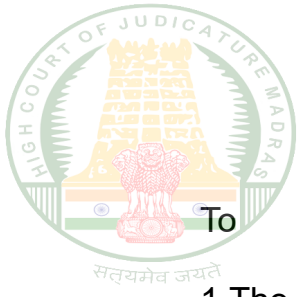
However, there shall be no order as to costs.

[S.M.S., J.]

[N.S., J.]

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Index : Yes
Speaking Order : Yes
Neutral Citation : Yes / No
TK



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