

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

WA.No. 753 of 2007 () IN WP(C).22216/2006

AGAINST THE JUDGMENT IN WP(C) 22216/2006 of HIGH COURT OF
KERALA DATED 24-08-2006

APPELLANT/PETITIONER :-

S.MONIYAN, S/O.SANKARAN NADAR,
SR.DRIVER, NATPAC, THIRUVANANTHAPURAM (RETIRED)
RESIDING AT CHARUVILA VEEDU, PERAKKONAM, VAZHICHAL P.O
THIRUVANANTHAPURM.

BY ADVS.SMT.SREEDEVI KYLASANATH
SRI.M.AYYOObUKHAN
SRI.JITHIN.K.

RESPONDENTS/RESPONDENTS :-

1. STATE OF KERALA REPRESENTED BY ITS
CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.
2. NATIONAL TRANSPORTATION PLANNING &
RESEARCH CENTRE (NATPAC), REP.BY ITS DIRECTOR
SASTHRA BHAVAN, PATTOM P.O, THIRUVANANTAPURAM
695 004.
3. KERALA STATE COUNCIL OF SCIENCE,
TECHNOLOGY & ENVIRONMENT (KSCSTE), REP.BY ITS
MEMBER SECRETARY, SASTHRA BHAVAN, PATTOM P.O
THIRUVANANTHAPURAM- 695 004.

R1 BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS
R2 BY ADV. SRI.R.KRISHNA RAJ

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 03-
02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

**ASHOK BHUSHAN, Ag. C.J &
A.M. SHAFFIQUE, J.**

W.A. No.753 of 2007

Dated this the 3rd day of February 2015

J U D G M E N T

Ashok Bhushan, Ag.CJ

Heard the learned counsel for the appellant and the learned Government Pleader.

2. This writ appeal has been filed against the judgment dated 24.8.2006 passed in W.P.(C) No.22216 of 2006. The petitioner had filed the writ petition praying for mandamus directing respondents 2 and 3 to fix the petitioner's pay scale with due consideration to the scale of pay of ₹275-360 to which he had been placed before 1.7.1983 and further to grant all consequential benefits from 1.7.1983 including promotion to the post of Special Grade Driver from 1.7.2005. The learned Single Judge dismissed the writ petition on the ground of laches. It is also observed that the petitioner is claiming for re-fixation of salary for a period of 23 years.

3. According to the petitioner, his salary was fixed in the pay scale of ₹225-308 whereas he ought to have been fixed in the pay scale of ₹275-360. The petitioner claims to have submitted representation on 8.12.1983. Petitioner's pay scale

-: 2 :-

was revised from time to time and he kept on making representations and ultimately by Ext.P11 communication dated 3.12.1996, the petitioner was informed that his request cannot be considered. Making repeated representations cannot give a cause of action to a person for the relief after a lapse of reasonable time. In any event of the matter, in the present case, the petitioner was communicated by writing on 3.12.1996 that his request cannot be accepted. The petitioner could file the writ petition in the year 2006 after more than a decade. In fact the petitioner has retired in the year 2006 itself. The learned Single Judge has rightly exercised the discretion in not entertaining the writ petition on the ground of inordinate delay.

In such circumstances, we do not find any error in the judgment passed by the learned Single Judge and hence, the writ appeal is dismissed.

Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE