

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 22.04.2015

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No. 11687 of 2015

and

M.P. No. 1 of 2015

J. Manickam

.. Petitioner

Vs.

The Managing Director
Tamil Nadu State Transport Corporation
(Coimbatore Division) Ltd.,
37, Mettupalayam Road
Coimbatore - 641 043.

.. Respondent

PRAYER: This writ petition has been filed under section 226 of the Constitution of India to issue an order of Writ of Certiorarified Mandamus, calling for the records relating to Ref. 6198/Vai Ni.6/Tha.A.Poka/Kovai/2009 dated 19.09.2009, to quash the same and consequently direct the respondent to grant the arrears of difference of salary and other benefits accrued thereby and treating the service rendered by the petitioner from the date of appointment to the date of superannuation as continuous service while calculating the pension to be paid to the petitioner from the date of superannuation and the future pension to be paid to the petitioner and pass further orders.

For petitioner : Mr.C. Deivasigamani

For respondent : Mr.P. Kannankumar

O R D E R

The petitioner has come to this Court belatedly challenging the impugned order Ref. 6198/Vai Ni.6/Tha.A.Poka/Koai/2009 dated 19.09.2009 passed by the respondent, seeking to quash the same, with a further direction to the respondent to grant the arrears of difference of salary and other benefits accrued thereby and treating the service rendered by him from the date of appointment to the date of superannuation as continuous service, while calculating the pension to be paid to him from the date of superannuation and for future pension.

2. This Court is unable to entertain the belated Writ Petition for the reason that though the petitioner was discharged from duty on the ground that he was unfit due to colour blindness as found by the Medical Board on 05.12.1994, he was again reinstated as 'Helper' on 01.01.1996 in the respondent Corporation in the lesser scale of pay than the Driver. Subsequently, the petitioner reached the age of superannuation on 31.07.2005. Therefore, when the petitioner was reinstated as a Helper in the respondent Corporation, ofcourse, in a lesser scale of pay, it is not known why the petitioner has waited till he reached the age of superannuation on 31.07.2005. Even after the petitioner retired from service on reaching the age of superannuation on 31.07.2005, this Court does not find any reason whatsoever for the petitioner to remain silent thereafter, for 10 years. As there has been a huge and unexplained delay to come to this Court, the petitioner, in my view has to be held guilty of laches.

3. In view of the above, the writ petition fails and the same is dismissed. Consequently, the connected M.P is closed. No order as to costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

avr

To

The Managing Director
Tamil Nadu State Transport Corporation
(Coimbatore Division) Ltd.,
37, Mettupalayam Road
Coimbatore - 641 043.

1 cc to Mr.P. Kannankumar, Advocate, Sr. 22059

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W.P. Nos.11687 of 2015
and
M.P. No. 1 of 2015

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