

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.17557 of 2007
(O.A.No.1878 of 2004)

J.Navamani

.. Petitioner

-vs-

Secretary to Government
Personnel and Administrative Reforms Department
Fort St.George
Chennai-9

.. Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, to direct the respondent to promote him on par with the juniors with all consequential benefits as ordered in O.A.No.166 of 1990 dated 16.4.93 and as per G.O.Ms.No.126, Personnel and Administrative Reforms (U.Spl.) Department dated 29.5.98.

For Petitioner :: Ms.V.Chellammal for
Mr.A.Amalraj

For Respondent :: Mr.R.Govindasamy
Additional Government Pleader

ORDER

The O.A.No.1878 of 2004 filed by the petitioner before the Tamil Nadu Administrative Tribunal belatedly with a delay of nine long years seeking a direction to the respondent to promote him on par with his juniors with all consequential benefits as ordered in O.A.No.166 of 1990 dated 16.4.93 and as per G.O.Ms.No.126, Personnel and Administrative Reforms (U.Spl.) Department dated 29.5.98, came on transfer and renumbered as the present writ petition.

2. When the matter was taken up, the learned Additional Government Pleader for the respondent submitted that in respect of the very same issue, the State went on appeal before the Apex Court and by judgment dated 18.9.2007 in Appeal (Civil) No.1938 of 2007 (State of Tamil Nadu v. Seshachalam), the Apex Court, deprecating the huge delay in granting the relief, held that the delay or laches is a

relevant factor for a court of law to determine the question as to whether the claim made by a person deserves consideration. Further holding that the delay and laches on the part of the person concerned may deprive him of the benefit, allowed the appeal by setting aside the order granting the relief. On this basis, he further submitted that the petitioner has approached the Tribunal with a huge and unexplained delay of nine years, hence, his request should be rejected.

3. This Court, agreeing with the said submission, keeping in view that the petitioner having filed the original application in the year 2004 with a huge and unexplained delay of nine years from the date of his retirement from service, holding him guilty of laches, is not inclined to accept his prayer. Accordingly, the writ petition is dismissed on the ground of delay and laches. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ss
To

1. The Secretary to Government
Personnel and Administrative Reforms Department
Fort St.George
Chennai 600 009.

1 cc to Government Pleader, Sr.No14186
1 cc to Mr.A.Amalraj ,Advocate, SR.No.14597

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