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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

and

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

W.A.(MD)No.762 of 2015

P.Somasekar

... Appellant / Petitioner

Vs.

1.The Secretary to Government,  
Labour and Employment Department,  
Fort St.George, Chennai - 600 009.

2.The Managing Director,  
Tamil Nadu Water Supply and Drainage Board,  
Chepauk, Chennai - 600 005.

3.The Superintendent Engineer,  
Tamilnadu Water Supply and Drainage Board,  
Madurai - Dindigul - Theni Circles,  
TWAD Complex, Ganesh Nagar,  
Madurai - 625 007.

4.The Executive Engineer,  
Tamilnadu Water Supply and Drainage Board,  
Project Division  
TWAD Complex, Ganesh Nagar,  
Madurai - 625 007.

... Respondents / Respondents

PRAYER: The Writ Appeal is filed under Clause 15 of the Letters Patent against the order, dated 04.02.2015 passed in W.P.(MD)No.16293 of 2012, by this Court

Prayer in WP(MD). 16293/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the Respondents 1 to 4 to refix the petitioner s Seniority by notionally granting promotion from 28.10.1981 at the post of Driller and grant the consequential monetary and his terminal service benefits including pension etc and pass such further or other orders.

For Appellant : Mr.C.Dhanaseelan

For Respondents : Mr.B.Pugalenth

Spl.Govt.Pleader

#### JUDGMENT

(Order of this Court was made by S.MANIKUMAR, J.)

Being aggrieved by the order made in W.P.(MD)No.16293 of 2012, dated 04.02.2015, denying the request for issuance of a Writ of Mandamus, directing respondents 1 to 4, to refix the petitioner's seniority, by notionally granting promotion from 28.10.1981, in the post of 'Driller' and to grant the consequential mandatory and terminal benefits, appeal has been filed



2. Facts, as deduced from the material on record and the order impugned in this appeal are, that the appellant was appointed as 'Assistant Driller' on 15.05.1976, in the office of the Executive Engineer, Tamil Nadu Water Supply and Drainage Board, Project Division, Madurai and his services were regularised on 01.01.1982. According to the appellant, as per the Services Regulations of the Tamil Nadu Water Supply and Drainage Board, the next avenue of promotion for an 'Assistant Driller', is 'Driller'. The Workshop Engineer, has sent an interview letter, in Memo No.PWCE/JA2/81, dated 19.10.1981, to the petitioner, directing him to appear for interview on 28.10.1981, for promotion, to the post of 'Driller'. As he was working in a far away place, he could not receive the communication in time. In the meanwhile, he came to know about the interview, and promotions given to many of his juniors. Therefore, he made representations, dated 10.11.1981 and 12.08.1982, to the Executive Engineer, Central Workshop Division, requesting to promote him to the post of 'Driller'. The said representations were not considered. Subsequently, the appellant was promoted, vide proceeding in No.F478/EAI/88, dated 23.08.1988, by the Superintendent Engineer, Tamil Nadu Water Supply and Drainage Board, Madurai - Dindigul - Theni Circles, Madurai, respondent No.3.

3. The appellant retired from service on 30.11.2010, on attaining the age of superannuation. After his retirement, the appellant has given a representation on 06.12.2010, to the Managing Director, Tamil Nadu Water Supply and Drainage Board, Chepauk, Chennai. As the said representation remained unanswered, he was constrained to file a Writ of Mandamus, directing respondents 1 to 4, to refix his seniority and for other reliefs, as stated supra.

4. Before the Writ Court, the Executive Engineer, Tamil Nadu Water Supply and Drainage Board, Project Division, Madurai, respondent No.4, has filed a counter affidavit stating that though a communication was sent, the appellant did not attend the interview and eligible persons were considered and promoted to the post of 'Drillers'. The respondents have also contended that the Writ Petitioner/ appellant, on his own, did not attend the interview and after a period of 30 years, after his retirement, claiming notional promotion and monetary benefits, filed the writ petition. They have prayed for dismissal, on the ground of delay and laches, and on merits.

5. Adverting to the above said submission, the writ court, in para 7, has ordered, as follows:-

"7. It is an admitted fact that all the Assistant Drillers were called for interview for being considered to be promoted to the post of Driller. The petitioner admits that the interview letter was sent to him, but it reached very late and he could not attend the interview. On the other hand, in the representation, dated 12.08.1982, he has stated that he was present in the Office of the fourth respondent at the time of interview. The petitioner has taken the inconsistent plea. Further, he was not diligent enough to agitate his grievance at the earliest and get the benefit, as he claims to be entitled to. The petitioner was promoted on 23.08.1988 and retired from service on 30.11.2010. But, he filed the present writ petition in the year 2012 claiming notional promotion from the year 1981 and monetary benefits. "

6. Though Mr.C.Dhanaseelan, learned counsel for the appellant assailed the correctness of the order made in W.P.(MD)No.16293



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of 2012, dated 04.02.2015, on the grounds inter alia that the communication sent to the appellant for attending the interview, could not be received, as he was working in a faraway place and further contended that the respondents have not followed the procedure contemplated in Rule ordering promotion and further submitted that the respondents have not considered the representations made by the appellant in the year 1981 and 1982, for promotion and thus delay cannot be attributed against the appellant, for their failure, this Court is not inclined to accept the above said submissions for the simple reason that even taking for granted that a communication from the Workshop Engineer, addressed to the appellant, directing him to appear for the interview on 28.10.1981, did not reach, and the representations dated 10.11.1981 and 12.08.1982 respectively have been sent, it is for the appellant to have approached this Court, immediately, to ventilate his grievance, but the appellant has remained quite.

7. From the materials on record, it could be further deduced that he has been subsequently promoted on 23.08.1988, by the Superintendent Engineer, Tamil Nadu Water Supply and Drainage Board, Madurai - Dindigul - Theni Circles, Madurai. According to him, the Union has sent representation and therefore, he kept quite. Such contention cannot be countenanced for the reason that it is the appellant whose alleged right in considering his case for promotion has been infringed. It is not open to the appellant to contend that the Union was taking steps from 1981 onwards and therefore, he remained quite.

8. Again from the facts stated supra, it could be deduced that from 23.08.1988 onwards, he did not seek for any restoration of seniority, till he attained the age of superannuation on 31.11.2008. The fact that the appellant kept quite from 1981 onwards, for nearly 30 years, and thereafter, filed a Writ Petition in 2005 is apparent on the face of record. The appellant had not challenged his non-promotion within the time. At this juncture, it is relevant to refer to the following judgments with regard to delay and laches, in the matter of promotion and when the Court can exercise its equitable jurisdiction under Article 226 of the Constitution of India.

9. In the Judgment of the Hon'ble Apex Court in P.S. Sadasivaswamy vs The State Of Tamil Nadu, reported in (1974 AIR 2271), it has been held as follows:-

"The appellant entered service as a Junior Engineer in the Highways Department of the then Province of Madras on 21-8-1946. He was promoted as an Assistant Engineer on 12-3-1951. In 1955 he was selected by the State Public Service Commission as an Assistant Engineer along with respondents 2 to 4 and was Placed above them in rank. In 1957 the 2nd respondent was promoted as Divisional Engineer. Thereupon the appellant made a representation to the Government. He made another representation in the same year. He made two further representations in the year 1968 to consider his case for promotion as Superintending Engineer along with his juniors. Respondents 2 to 4 were again promoted as Superintending Engineers over the head of the appellant. In 1970 the 5th respondent who was junior to the appellant as Assistant Engineer and Divisional Engineer was promoted Superintending Engineer over the head of the appellant. The appellant himself



was promoted as Superintending Engineer on 23-1-1971, He, therefore, filed a writ petition before the High Court of Madras. That petition was dismissed as also the appeal against the dismissal.

The main grievance of the appellant is that the 2nd respondent who was junior to him as Assistant Engineer was promoted as Divisional Engineer in 1957 by relaxing the relevant rules regarding the length of service necessary for promotion as Divisional Engineer and that his claim for a similar relaxation was not considered at that time. The learned Judge of the Madras High Court who heard the writ petition was of the view that the relaxation of the rules in favour of the 2nd respondent without considering the appellant's case was arbitrary. In view of the statement on behalf of the Government that such relaxation was given only in the case of overseas scholars, which statement was not controverted, it is not possible to agree with the view of the learned Judge, . Be that as it may, if the appellant was aggrieved by it he should have approached the Court even in the year 1957 after the two representations made by him had failed to produce any result. One cannot sleep over the matter and come to the Court questioning that relaxation in the year 1971. There is the further fact that even after respondents 3 and 4 were promoted as Divisional Engineers over the head of the appellant he did not come to the Court questioning it. There was a third opportunity for him to have come to the Court when respondents 2 to 4 were again promoted as Superintending Engineers over the head of the appellant. After fourteen long years because of the tempting prospect of the Chief Engineership he has come to the Court. In effect he wants to unscramble a scrambled egg. It is very difficult for the Government to consider whether any relaxation of the rules should have been made in favour of the appellant in the year 1957. The conditions that were prevalent in 1957 cannot be reproduced now. In any case as the Government had decided as a matter of policy, as they were entitled to do, not to relax the rules in favour of any except overseas scholars it will be wholly pointless to direct them to consider the appellants' case as if nothing had happened after 1957. Not only respondent 2 but also respondents 3 and 4 who were the appellant's juniors became Divisional Engineers in 1957 apparently on the ground that their merits deserved their promotion over the head of the appellant. He did not question it. Nor did he question the promotion of his juniors as Superintending Engineers over his head. He could have come to the Court on every one of these three occasions. A person aggrieved by an order of promoting a junior over his head should approach the Court at least within six months or at the most a year of such promotion. It is not that 'here is any period of limitation for the Courts to exercise their powers under [Article 226](#) nor is it that there can never be a case where the Courts cannot interfere in a matter after the passage of a certain length of time. But it would be a sound and wise exercise of discretion for the Courts to refuse to exercise their extra-ordinary powers under [Article 226](#) in the case of



persons who do not approach it expeditiously for relief and who stand by and allow things to happen and then approach the Court to put forward stale claims and try to unsettle settled matters- The petitioner's petition should, therefore have been dismissed in limine. Entertaining such petitions is a waste of time of the court. It clogs the work of the Court and impedes the work of the court in considering legitimate grievances as also its normal work. We consider that the High court was right in dismissing the appellant's petition as well as the appeal.

10. The Hon'ble Supreme Court in Union of India and others Vs. A. Durairaj reported in 2011 AIR SCW 873 has referred to a judgment in Union of India Vs. M.K. Sarkar reported in 2010 (2) SCC 59 and at paragraphs 13 and 14 ordered as follows:

"13. It is well settled that anyone who feels aggrieved by non-promotion or non-selection should approach the Court/Tribunal as early as possible. If a person having a justifiable grievance allows the matter to become stale and approaches the Court/Tribunal belatedly, grant of any relief on the basis of such belated application would lead to serious administrative complications to the employer and difficulties to the other employees as it will upset the settled position regarding seniority and promotions which has been granted to others over the years. Further, where a claim is raised beyond a decade or two from the date of cause of action, the employer will be at a great disadvantage to effectively contest or counter the claim, as the officers who dealt with the matter and/or the relevant records relating to the matter may no longer be available. Therefore, even if no period of limitation is prescribed, any belated challenge would be liable to be dismissed on the ground of delay and laches.

14. This is a typical case where an employee gives a representation in a matter which is stale and old, after two decades and gets a direction of the Tribunal to consider and dispose of the same; and thereafter again approaches the Tribunal alleging that there is delay in disposal of the representation (or if there is an order rejecting the representation, then file an application to challenge the rejection, treating the date of rejection of the representation as the date of cause of action). This Court had occasion to examine such situations in Union of India V. M.K. Sarkar [2010 (2) SCC 59] ; (2009 AIR SCW 7621 : 2010 Lab IC 575 : AIR 2009 SC (Supp) 2158) and held as follows (para 9 of AIR SCW) :

"The order of the Tribunal allowing the first application of respondent without examining the merits, and directing the appellants to consider his representation has given rise to unnecessary litigation and avoidable complications. x x x x

When a belated representation in regard to a 'stale' or 'dead' issue/dispute is considered and decided, in compliance with a direction by the Tribunal to do so, the date of such decision cannot be considered as furnishing a fresh cause of action for reviving the 'dead' issue or time-barred



dispute. The issue of limitation or delay and laches should be considered with reference to the original cause of action and not with reference to the date on which an order is passed in compliance with a court's direction. Neither a court's direction to consider a representation issued without examining the merits, nor a decision given in compliance with such direction, will extend the limitation, or erase the delay and laches.

11. Laches or reasonable time are not defined under any Statute or Rules. "Laches" or "Lashes" is an old french word for slackness or negligence or not doing. In general sense, it means neglect to do what in the law should have been done for an unreasonable or unexplained length of time. What could be the laches in one case might not constitute in another. The laches to non-suit, an aggrieved person person from challenging the acquisition proceedings should be inferred from the conduct of the land owner or an interested person and that there should be a passive inaction for a reasonable length of time. What is reasonable time has not been explained in any of the enactment. Reasonable time depends upon the facts and circumstances of each case.

12. The words "reasonable time", as explained in *Veerayeeammal v. Seeniammal* reported in 2002 (1)SCC 134, at Paragraph 13, is as follows:

13. The word "reasonable" has in law prima facie meaning of reasonable in regard to those circumstances of which the person concerned is called upon to act reasonably knows or ought to know as to what was reasonable. It may be unreasonable to give an exact definition of the word "reasonable". The reason varies in its conclusion according to idiosyncrasy of the individual and the time and circumstances in which he thinks. The dictionary meaning of the "reasonable time" is to be so much time as is necessary, under the circumstances, to do conveniently what the contract or duty requires should be done in a particular case. In other words it means, as soon as circumstances permit. In P. Ramanatha Aiyar's *The Law Lexicon* it is defined to mean:

"A reasonable time, looking at all the circumstances of the case; a reasonable time under ordinary circumstances; as soon as circumstances will permit; so much time as is necessary under the circumstances, conveniently to do what the contract requires should be done; some more protracted space than 'directly'; such length of time as may fairly, and properly, and reasonably be allowed or required, having regard to the nature of the act or duty and to the attending circumstances; all these convey more or less the same idea."

13. The statement of law has also been summarized in *Halsbury's Laws of England*, Para 911 , pg. 395 as follows:

"In determining whether there has been such delay as to amount to laches, the chief points to be considered are:

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- (i) acquiescence on the claimant's part; and
  - ii) any change of position that has occurred on the defendant's part.



Acquiescence in this sense does not mean standing by while the violation of a right is in progress, but assent after the violation has been completed and the claimant has become aware of it. It is unjust to give the claimant a remedy where, by his conduct, he has done that which might fairly be regarded as equivalent to a waiver of it; or where by his conduct and neglect, though not waiving the remedy, he has put the other party in a position in which it would not be reasonable to place him if the remedy were afterwards to be asserted. In such cases lapse of time and delay are most material. Upon these considerations rests the doctrine of laches."

14. In *State of M.P. v. Bhailal Bhai* reported in AIR 1964 SC 1006, the Supreme Court held that it is not either unreasonable delay denies to the petitioner the discretionary extraordinary remedy of mandamus, certiorari or any other relief.

15. In *State of M.P., v. Nandlal Jaismal* reported in 1986 (4) SCC 566, the Supreme Court, at Paragraph 24, held as follows:

"24. Now, it is well settled that the power of the High Court to issue an appropriate writ under Article 226 of the Constitution is discretionary and the High Court in the exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic. If there is inordinate delay on the part of the petitioner in filing a writ petition and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in the exercise of its writ jurisdiction. The evolution of this rule of laches or delay is premised upon a number of factors. The High Court does not ordinarily permit a belated resort to the extraordinary remedy under the writ jurisdiction because it is likely to cause confusion and public inconvenience and bring in its train new injustices. The rights of third parties may intervene and if the writ jurisdiction is exercised on a writ petition filed after unreasonable delay, it may have the effect of inflicting not only hardship and inconvenience but also injustice on third parties. When the writ jurisdiction of the High Court is invoked, unexplained delay coupled with the creation of third party rights in the meanwhile is an important factor which always weighs the High Court in deciding whether or not to exercise such jurisdiction. We do not think it necessary to burden this judgment with reference to various decisions of this Court where it has been emphasised time and again that where there is inordinate and unexplained delay and third party rights are created in the intervening period, the High Court would decline to interfere, even if the State action complained of is unconstitutional or illegal. ....Of course, this rule of laches or delay is not a rigid rule which can be cast in a strait jacket formula, for there may be cases where despite delay and creation of third party rights the High Court may still in the exercise of its discretion interfere and grant relief to the petitioner. But, such cases where the demand of justice is so compelling that the High Court would be inclined to interfere in spite of delay or creation of third party rights would by their very nature be few and far between.



Ultimately it would be a matter within the discretion of the court; ex hypothesi every discretion must be exercised fairly and justly so as to promote justice and not to defeat it."

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16. M/s.Rup Diamonds and Ors. v. Union of India and Ors., reported in (1989) 2 SCC 356, wherein their Lordships observed that those people who were sitting on the fence till somebody else took up the matter to the court for refund of duty, cannot be given the benefit. In that context, Their Lordships held as follows:

"Petitioners are re-agitating claims which they had not pursued for several years. Petitioners were not vigilant but were content to be dormant and chose to sit on the fence till somebody else's case came to be decided. Their case cannot be considered on the analogy of one where a law had been declared unconstitutional and void by a court, so as to enable persons to recover monies paid under the compulsion of a law later so declared void. There is also an unexplained, inordinate delay in preferring the present writ petition which is brought after a year after the first rejection. As observed by the Court in Durga Prashad case, the exchange position of this country and the policy of the government regarding international trade varies from year to year. In these matters it is essential that persons who are aggrieved by orders of the government should approach the High Court after exhausting the remedies provided by law, rule or order with utmost expedition. Therefore, these delays are sufficient to persuade the Court to decline to interfere. If a right of appeal is available, this order rejecting the writ petition shall not prejudice petitioners' case in any such appeal."

17. In State of Maharashtra v. Digambar reported in AIR 1995 SC 1991, the Supreme Court, considered a case, where compensation for the acquired land was claimed belatedly and at Paragraphs 12, 18 and 21, held as follows:

"12. How a person who alleges against the State of deprivation of his legal right, can get relief of compensation from the State invoking writ jurisdiction of the High Court under article 226 of the Constitution even though, he is guilty of laches or undue delay is difficult to comprehend, when it is well settled by decision of this Court that no person, be he a citizen or otherwise, is entitled to obtain the equitable relief under Article 226 of the Constitution if his conduct is blameworthy because of laches, undue delay, acquiescence, waiver and the like. Moreover, how a citizen claiming discretionary relief under Article 226 of the Constitution against a State, could be relieved of his obligation to establish his unblameworthy conduct for getting such relief, where the State against which relief is sought is a welfare State, is also difficult to comprehend. Where the relief sought under Article 226 of the Constitution by a person against the welfare State is founded on its alleged illegal or wrongful executive action, the need to explain laches or undue delay on his part to obtain such relief, should, if anything, be more stringent than in other cases, for the reason that the State due to laches or undue delay on the part of the person seeking relief, may not be able to show that the executive action complained of was legal or correct for want



of records pertaining to the action or for the officers who were responsible for such action not being available later on. Further, where granting of relief is claimed against the State on alleged unwarranted executive action, is bound to result in loss to the public exchequer of the State or in damage to other public interest, the High Court before granting such relief is required to satisfy itself that the delay or laches on the part of a citizen or any other person in approaching for relief under Article 226 of the Constitution on the alleged violation of his legal right, was wholly justified in the facts and circumstances, instead of ignoring the same or leniently considering it. Thus, in our view, persons seeking relief against the State under Article 226 of the Constitution, be they citizens or otherwise, cannot get discretionary relief obtainable thereunder unless they fully satisfy the High Court that the facts and circumstances of the case clearly justified the laches or undue delay on their part in approaching the Court for grant of such discretionary relief. Therefore, where a High Court grants relief to a citizen or any other person under Article 226 of the Constitution against any person including the State without considering his blame-worthy conduct, such as laches or undue delay, acquiescence or waiver, the relief so granted becomes unsustainable even if the relief was granted in respect of alleged deprivation of his legal right by the State.

18. Laches or undue delay, the blame-worthy conduct of a person in approaching a Court of Equity in England for obtaining discretionary relief which disentitled for grant of such relief was explained succinctly by Sir Barnes Peacock, long ago, in *Lindsay Petroleum Co. v. Prosper Armstrong* (1874) 5 PC 221) thus :

"Now the doctrine of latches in Courts of Equity is not an arbitrary or a technical doctrine. Where it would be practically unjust to give a remedy, either because the party has, by his conduct, done that which might fairly be regarded as equivalent to a waiver of it, or where by his conduct and neglect he has, though perhaps not waiving that remedy, yet put the other party in a situation, in which it would not be reasonable to place him if the remedy were afterwards to be asserted, in either of these cases, lapse of time and delay are most material. But in every case, if an argument against relief, which otherwise would be just, is founded upon mere delay, that delay of course not amounting to a bar by any statute or limitations, the validity of that defence must be tried upon principles substantially equitable. Two circumstances, always important in such cases, are, the length of the delay and the nature of the acts done during the interval, which might affect either party and cause a balance of Justice or injustice in taking the one course or the other, so far as it relates to the remedy."

<https://hcservices.ecourts.gov.in/hcservices/> 21. Therefore, where a High Court in exercise of its power vested under Article 226 of the Constitution issues a direction, order or writ for



granting relief to a person including a citizen without considering his disentitlement of such relief due to his blameworthy conduct of undue delay or laches in claiming the same, such a direction, order or writ becomes unsustainable as that not made judiciously and reasonably in exercise of its sound judicial discretion, but as that made arbitrarily."

18. In *State of Rajasthan v. D.R. Laxmi* reported in 1996 (6) SCC 445, the Supreme Court observed that though the order may be void, if the party does not approach the Court within a reasonable time, which is always a question of fact and have the order invalidated or acquiesced or waived, the discretion of the Court has to be exercised in a reasonable manner.

19. In *Jagdish Lal and Ors., v. State of Haryana and Ors.*, reported in (1997) 6 SCC 538 : AIR 1997 SC 2366, this Court reaffirmed the rule if a person chooses to sit over the matter and then woke up after the decision of the Court, then such person cannot stand to benefit. In that case it was observed as follows:

"The delay disentitles a party to discretionary relief under Article 226 or Article 32 of the Constitution. The appellants kept sleeping over their rights for long and woke up when they had the impetus from *Vir Pal Singh Chauhan* case. The appellants' desperate attempt to redo the seniority is not amenable to judicial review at this belated stage."

20. In *Larsen and Toubro Ltd., v. State of Gujarat* reported in 1998 (4) SCC 387, the Supreme Court held that a writ petition challenging the notifications issued under Sections 4 and 6 of the Central Act is liable to be dismissed on the ground of delay and laches, if the challenge is not made within a reasonable time.

21. In the case of *Government of W.B., v. Tarun K. Roy and Ors.*, reported in (2004) 1 SCC 347, Their Lordships considered delay as serious factor and have not granted relief. It was observed as follows:

"The respondents furthermore are not even entitled to any relief on the ground of gross delay and laches on their part in filing the writ petition. The first two writ petitions were filed in the year 1976 wherein the respondents herein approached the High Court in 1992. In between 1976 and 1992 not only two writ petitions had been decided, but one way or the other, even the matter had been considered by this Court in *Debdas Kumar*. The plea of delay, which Mr. Krishnamani states, should be a ground for denying the relief to the other persons similarly situated would operate against the respondents. Furthermore, the other employees not being before this Court although they are ventilating their grievances before appropriate courts of law, no order should be passed which would prejudice their cause. In such a situation, we are not prepared to make any observation only for the purpose of grant of some relief to the respondents to which they are not legally entitled to so as to deprive others there from who may be found to be entitled thereto by a court of law."

22. In *Chairman, U.P. Jal Nigam and another v. Jaswant Singh* reported in AIR 2007 SC 924, the Supreme Court, after considering a catena of decisions on the aspect of delay, at Paragraph 13, held as follows:

"13. .... Therefore, whenever it appears that the claimants lost time or while away and did not rise to the occasion in time for filing the writ petitions, then in such



cases, the Court should be very slow in granting the relief to the incumbent. Secondly, it has also to be taken into consideration the question of acquiescence or waiver on the part of the incumbent whether other parties are going to be prejudiced if the relief is granted."

23. In the light of the discussion and decision stated supra, there are absolutely no materials in the appeal. Hence, the Writ Appeal is dismissed. No costs.

sd/-

Assistant Registrar (T&P)

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Sub Assistant Registrar

To

1. The Secretary to Government,  
Labour and Employment Department,  
Fort St. George, Chennai - 600 009.
  2. The Managing Director,  
Tamil Nadu Water Supply and Drainage Board,  
Chepauk, Chennai - 600 005.
  3. The Superintendent Engineer,  
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Tamilnadu Water Supply and Drainage Board,  
Project Division  
TWAD Complex, Ganesh Nagar,  
Madurai - 625 007.
- +1cc to Mr.C.DHANASEELAN, in SR.NO.38964  
+1cc to Mr.SPL.GOVERNMENT PLEADER, in SR.NO.39342  
mpk  
gcs/31/07/2015/11p/7c

W.A. (MD) No.762 of 2015

15.07.2015