



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:26.02.2015
CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

WEB COPY

W.P. (MD) No.2544 of 2015
and
M.P (MD) Nos.1 and 2 of 2015

S.Kamaraj ... Petitioner

Vs.

1.The Director General of Police,
(Law & Order),
Mylapore, Chennai - 600 004.

2.The Deputy Inspector General of Police,
Thanjavur Range,
Thanjavur.

3.The Superintendent of Police,
Thanjavur District,
Thanjavur.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the third respondent in P.R.75/1989 U/r.3(b), dated 02.02.1992, confirmed by the second respondent in C.No.B2/AP 102/2003, dated 24.12.2003 which were confirmed by the first respondent in R.C.No.GDP2411/249585/AP I(1)/2004, dated 17.03.2005, quash the same and consequently fix the revised pay, arrears of increment and all other monetary benefits accrued to his service within a reasonable time as may be fixed by this Court.

For Petitioner :Mr.B.Jameel Arasu

For Respondents :Mr.S.Kumar
Additional Government Pleader

ORDER

Mr.S.Kumar, learned Additional Government Pleader takes notice for the respondents.

2.This Writ Petition is filed challenging the order of punishment imposed on the petitioner, which is the postponement of increment for two years.

3.The order in original was passed by the Original Authority as early as on 02.02.1992. Against which, the petitioner preferred an appeal and the Appellate Authority also rejected the appeal on 24.12.2003 and thereafter, took it on revision, which was also rejected on 17.03.2005. Thereafter, the present Writ Petition is filed after a period of nine years.



4. The affidavit filed in support of the Writ Petition has not explained the inordinate delay. It is well settled Law that a person, who approaches the Court seeking remedy under Article 226 of the Constitution of India, has to come without any delay and if there is a delay, the discretionary remedy under Article 226 of the Constitution of India, cannot be exercised. At this juncture, it is useful to refer the following decision of the Honourable Supreme Court in *Eastern Coalfields Limited vs. Dugal Kumar* reported in (2008) 14 Supreme Court Cases 295, wherein it has been held as follows:

"It is well settled that under Article 226 of the Constitution, the power of a High Court to issue an appropriate writ, order or direction is discretionary. One of the grounds to refuse relief by a writ Court is that the petitioner is guilty of delay and laches. It is imperative, where the petitioner invokes extraordinary remedy under Article 226 of the Constitution, that he should come to the Court at the earliest reasonably possible opportunity. Inordinate delay in making the motion for a writ is indeed an adequate ground for refusing to exercise discretion in favour of the applicant."

5. It has been held in *Karnataka Power Corporation Limited through its Chairman & Managing Director and Another vs. K.Thangappan and Another* reported in (2006) 4 Supreme Court Cases 322 that even a fundamental right is affected, if there is a delay in approaching the Court, which is not explained, the Court cannot interfere.

6. In *U.P.Jal Nigam and another vs. Jaswant Singh and another* reported in (2006) 11 Supreme Court Cases 464, the Honourable Supreme Court has observed that persons should be vigilant to approach the Court and if they are not vigilant, the delay cannot be condoned.

7. Considering all these facts, I am of the view that the Writ Petition filed after a delay of nine years, cannot be entertained and accordingly, the same is dismissed on the ground of delay and laches. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AS)

\\True copy\\

Sub Assistant Registrar

To

- 1.The Director General of Police,(Law & Order),Mylapore, Chennai-600 004.
- 2.The Deputy Inspector General of Police, Thanjavur Range, Thanjavur.
- 3.The Superintendent of Police,Thanjavur District, Thanjavur.

+1 CC TO THE SPL.GOVT.PLEADER SR.NO.9655

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