

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.13512 of 2016
and
W.M.P. No.11854 of 2016

Paulvannan Ramaraj

... Petitioner

-Vs-

1.The Joint Secretary,
Ministry of Shipping,
New Delhi.

2.The Chairman,
Chennai Port Trust,
Chennai - 600 001.

3.The Chief Mechanical Engineer,
Chennai Port Trust,
Chennai - 600 001.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the entire records connected with the proceedings of the third respondent in CME/A1/368/2011/MEE dated 16.03.2011 and quash the same consequently direct the 2nd and 3rd respondents to promote the petitioner as Deputy Chief Mechanical Engineer.

For Petitioner : Mr.K.Thilageswaran

For respondents : Mr.M.Palanimuthu

WEB COPY
O R D E R

Challenging the old impugned order dated 16.03.2011 made in CME/A1/368/2011/MEE passed by the Chief Mechanical Engineer, Chennai Port Trust/the third respondent herein, the petitioner has come to this Court with a huge and unexplained delay of five years to quash the same with a further direction to 2nd and 3rd respondents to promote him as Deputy Chief Mechanical Engineer.

2. When the petitioner has been working from 30.04.1990 in the respondent Port Trust and got promotion to the post of Assistant Executive Engineer and Executive Engineer and further promoted to the post of Superintending Engineer on 25.01.2016, it is not known why the petitioner can come to this Court challenging the impugned order dated 16.03.2011, which has been passed long time ago, without giving any reason for approaching the Court belatedly.

3. Learned counsel appearing for the petitioner would submit that since the petitioner was qualified to the post of Deputy Chief Mechanical Engineer on 25.01.2016, decided to challenge the old order on the ground that when all major Port Trusts in India are following the recruitment rule and the post of Deputy Chief Mechanical Engineer is being filled up on seniority basis, the bifurcation of discipline now made by the third respondent is irrational.

4. When the petitioner has taken a stand that all major Port Trusts in India are following the recruitment rule and the post of Deputy Chief Mechanical Engineer is being filled up on seniority basis, without producing any such rule relating to other major Port Trusts, which are applied for promoting the eligible persons to the post of Deputy Chief Mechanical Engineer on the basis of seniority, he cannot come to this Court belatedly by invoking Article 226 of the Constitution of India to issue a writ of certiorari mandamus, as he is found to be guilty of laches. He has also not even produced any sufficient document in support of the prayer, made by the petitioner. Therefore, this Court is not inclined to entertain this petition. Accordingly, the Writ Petition fails and the same is dismissed. Consequently, connected M.P. is also dismissed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vga

To

1. The Joint Secretary,
Ministry of Shipping,
New Delhi.

2.The Chairman,
Chennai Port Trust,
Chennai - 600 001.

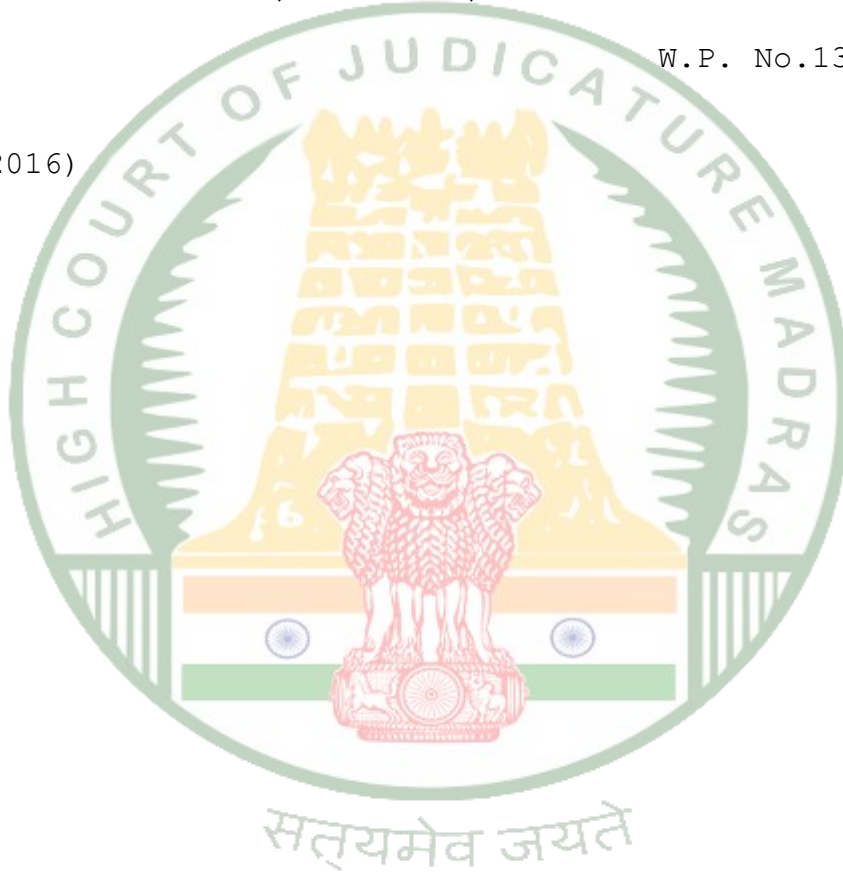
3.The Chief Mechanical Engineer,
Chennai Port Trust,
Chennai - 600 001.

+1cc to Mr.K.Thilageswaran, Advocate, S.R.No.22970

+1cc to Mr.M.Palanimuthu, Advocate, S.R.No.22789

W.P. No.13512 of 2016

PVS (CO)
CA(26/05/2016)



WEB COPY