

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2016

CORAM

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.4560 of 2016

S.Abdul Sarthar

... Petitioner

Vs.

1. The Engineer-in-Chief (Buildings),
Chief Engineer (Buildings), Chennai Region,
and Chief Engineer (General),
Public Works Department,
Chennai-600 005.

2. The Divisional Engineer,
Highways,
Construction and Maintenance,
Cuddalore.

... Respondents

Prayer:Petition filed under Article 226 of The Constitution of India praying to issue a writ of Mandamus, directing the respondents to consider the petitioner's representations dated 17.05.2003 and 05.01.2015 and grant benefits i.e., promotion as Grade-I Road Inspector from the year 1980 and to avail all the benefits which are entitled by the petitioner.

For Petitioner : Mr.S.Kumaradevan

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader

ORDER

This writ petition has been filed by the petitioner seeking a Writ of Mandamus, directing the respondents herein to consider his representations dated 17.05.2003 and 05.01.2015 and to grant benefits i.e., promotion as Grade-I Road Inspector from the year 1980 and to grant all the benefits which are entitled to him.

2.Heard Mr.S.Kumaradevan, learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader takes notice on behalf of the respondents.

3.The petitioner was initially appointed as Grade-II Road Inspector, Highways and Rural Works Department in the year 1969 and thereafter, regularised on 24.11.1980. He was given promotion as Grade-I Road Inspector only on 01.10.1984. Subsequently, on attaining the age of superannuation, he retired from service on 30.06.1999. His grievance is that by way of G.O.Ms.No.856/PWD dated 01.06.1977, the educational qualification for Road Inspector Grade-II was modified from Pass in SSLC to Pass in SSLC with bifurcated Engineering Course. Due to the said G.O., the Department had reduced the qualifying service for promotion as Road Inspector Grade-I from 10 years to 5 years and due to the same, there was a change in the mode of recruitment in fixing the seniority and pay structure. In view of the said G.O. and the proceedings of the Divisional Engineer, Highways & Rural Works Department in proceedings No.385/2002/B3 dated 10.01.2002, there arose a disparity in pay structure between those who had put in five years of service as Road Inspector Gr-II and those who had put in more number of years as Road Inspector Gr-II. Therefore, the petitioner made a representation dated 17.05.2003 to the first respondent. As the same was not considered, the petitioner was constrained to file W.P.No.1994 of 2005 before this Court, praying for a direction to the second respondent to implement the G.O.Ms.No.856/PWD dated 01.06.1977 and the proceedings of the Divisional Engineer, Highways & Rural Works Department in proceedings No.385/2002/B3 dated 10.01.2002, as it was applied to four other persons.

4.The petitioner has not mentioned the result of the said Writ Petition. Yet his case is that similarly placed persons like that of the petitioner, filed Writ Petition in W.P.(MD) No.2002/2005 before the Madurai Bench of this Court to consider their grievances, the Madurai Bench directed the respondents to implement G.O.Ms.No.856/PWD dated 01.06.1977 by giving communal promotion and also to disburse all the benefits available to the petitioners and based on the order passed by this Court on 12.12.2012, the Government also issued a letter in Letter No.13465/C2/2011-08 dated 22.05.2013 issuing certain clarification and thereafter, after issuance of the same, one K.Rengasamy obtained the benefits by virtue of the order of this Court. Hence, he was adviced to make representation based on the same issue which was settled by virtue of the orders of this Court in W.P.(MD) Nos.7738 to 7749 of 2008. Since his representations dated 17.05.2003 and 05.01.2015 were not considered, he has come forward with the present writ petition.

5.This Court is not able to see any merits in the petitioner's case for the reason that he had retired from service on 30.06.1999 and made representation on 17.05.2003 and to dispose of the same, he filed W.P.1944 of 2005 and also

made another representation on 05.01.2015 which is similar in nature. When the petitioner is unable to say about the result of his earlier writ petition i.e., W.P.No.1944 of 2005 and also that an order has been obtained from this Court challenging the impugned order dated 19.03.2008 in W.P.(MD) Nos.7738 to 7749 of 2008 on 12.12.2012 and direction is issued to consider similarly placed persons on the basis of the G.O.Ms.No.856/PWD dated 01.06.1977, I do not know why the petitioner has not made any representation immediately and has also come belatedly to this Court. Therefore, I am of the view that passing any order in this petition would not serve any purpose. The Writ Petition filed by the petitioner is found guilty of laches. Hence, the Writ Petition fails and the same is dismissed due to inordinate delay. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

DP

To

1. The Engineer-in-Chief (Buildings),
Chief Engineer (Buildings), Chennai Region,
and Chief Engineer (General),
Public Works Department,
Chennai-600 005.
2. The Divisional Engineer,
Highways,
Construction and Maintenance,
Cuddalore.

+1cc to Mr.S.Kumaradevan, Advocate, S.R.No.8006
+1cc to the Government Pleader, S.R.No.8180

W.P.No.4560 of 2016

RK(CO)
CA(12/05/2016)