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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2016

CORAM

THE HONOURABLE **MR. JUSTICE T. RAJA**

W.P(MD) .No.11925 of 2016

G.Umapathy

... Petitioner

Vs

The Inspector General of Registration,
100, Santhome High Road,
Chennai-600 020.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondent to promote the petitioner with effect from 29.06.2011 as Grade II Sub-Registrar on par with the petitioner's junior retrospectively with consequential monetary benefits and revision of pension.

For petitioner : M/s.P.Veerabaku
For Respondent : Mr.R.Anandharaj
Government Advocate

ORDER

G.Umapathy, has come to this Court seeking a direction to the respondent to promote the petitioner with effect from 29.06.2011 as Grade II Sub-Registrar on par with the petitioner's junior retrospectively, with consequential monetary benefits and revision of pension.

2. Learned counsel for the petitioner submitted that the petitioner was initially appointed as Office Assistant in the Registration Department on 17.12.1975 and promoted as Junior Assistant on 01.01.1981 and Assistant on 09.01.1988. Subsequently, the petitioner was appointed as Selection Grade Assistant with effect from 09.01.1988 and he retired from service on 31.01.2015 on reaching the age of superannuation.

3. The grievance of the petitioner is that as per seniority list, dated 01.04.2010, his name found place at Serial No.385 and his Junior name Mr.Sridhar Babu found place at Serial No.386. Subsequently, a case in Crime No.3 of 2008 came to be



registered by Ramanathapuram Police which resulted in filing a Criminal Original Petition in CrI.O.P.(MD).No.8031 of 2008 and this Court stayed the proceedings in Crime No.3 of 2008 in M.P.(MD).No.2 of 2008 in CrI.O.P.(MD).No.8031 of 2008 on 14.10.2008. In the meanwhile, the said Sridhar Babu was promoted as Sub-Registrar on 29.06.2011. Stating all these facts, the petitioner submitted a petition to the respondent to give all monetary benefits on par with the said Sridhar Babu. However, the same has not been considered by the respondent. Therefore, the petitioner is before this Court.

4. Be that as it may, this Court is not inclined to accept the submission of the petitioner since CrI.O.P(MD).No.8031 of 2008 was quashed by this Court on 12.06.2014 and the petitioner retired from his service on 31.01.2015. Therefore, nothing prevented the petitioner from making an appropriate representation to the respondent in the interregnum period. It is crystal clear that after retirement, with a huge delay of one year, he is said to have made a representation on 9.1.2016. Therefore, the petitioner neither made a representation immediately after quashing the charge memo that was pending against him nor made a representation to the respondent before his retirement. In other words, the petitioner is not entitled to seek any indulgence from this Court under Article 226 of the Constitution of India.

5. At this juncture, learned counsel for the petitioner relied on judgment reported in **(2006) 9 SCC 694, Gopi Chand Vishnoi Vs State of U.P. And another** and also a judgment reported in **2009 (3) CTC 848, M.Nagoor Mohideen Vs. The Secretary to Government of Tamil Nadu, Home Department and another** to canvass his points.

6. However, both the judgment relied by the petitioner will be of no use and does not support the case of the petitioner in any way that an aggrieved party can approach the Court, after a huge delay. In short, due to delay the petitioner has missed the bus and I find no merits in the present Writ Petition.

7. In view of the above, this Writ Petition is dismissed *in limine*. No costs.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar



To

The Inspector General of Registration,
100, Santhome High Road,
Chennai-600 020.

+1cc to Mr.P.VEERABAKU, Advocate Sr.No.35688

+1cc to Spl.Government Pleader Sr.No. 35426

SSM

AA/KBM/26.07.2016/3p-4c

W.P (MD) .No.11925 of 2016

06.07.2016