



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.12.2016

CORAM:

THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN

WEB COPY

W.P. (MD) No. 24811 of 2016

V. Uma

... Petitioner

Vs.

1. The State of Tamil Nadu,
represented by its Secretary,
Labour and Employment Department,
Secretariat,
Chennai-9.

2. The Commissioner of Labour,
Chennai-6

3. The Accountant General,
Anna Salai,
Chennai- 600 018.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for a Writ of Certiorarified Mandamus calling for the records of the second respondent in his impugned rejection order No.E2/741/2011-1, dated 24.1.2011 and to quash the same and consequently to direct the respondents to promote the Petitioner notionally to the post of Deputy Inspector of Labour based on her seniority bearing Seniority No.1289, w.e.f. The date on which her immediate junior in the cadre of Superintendent has been promoted to the post of Deputy Inspector of Labour and grant further all promotions, service, monetary and other attended pensionary benefits to the Petitioner.

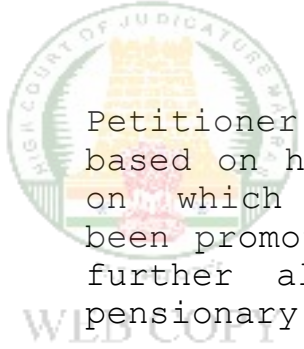
For Petitioner : M/s. Victory Associates

For Respondents : Mr.K.Satish Kumar
1 and 2 Addl.Govt.Pleader

For Respondent-3 : Mr.P.Gunasekaran

O R D E R

The petitioner seeks for a Writ of Certiorarified Mandamus calling for the records of the second respondent in his impugned rejection order No.E2/741/2011-1, dated 24.1.2011 and to quash the same and consequently to direct the respondents to promote the



Petitioner notionally to the post of Deputy Inspector of Labour based on her seniority bearing Seniority No.1289, w.e.f. The date on which her immediate junior in the cadre of Superintendent has been promoted to the post of Deputy Inspector of Labour and grant further all promotions, service, monetary and other attended pensionary benefits to the Petitioner.

2.Mr.S.Satish Kumar, learned Additional Government Pleader takes notice for the respondents 1 and 2. and Mr.P.Gunsekaran, learned counsel takes notice for the third respondent. By consent, the writ petition itself is taken up for final disposal.

3.The Petitioner submitted that She joined as Steno-typist in Labour Department on 20.3.1981 and promoted as Assistant on 27.09.1991 and as Superintendent from September 2000.According to the Petitioner, she passed the departmental tests and put in 33 years of service. The Petitioner would further submit that she became eligible for promotion and was directed to undergo four months training at Ranchi in the year 2008..Due to ill-health, she could not undergo the training and she gave her un-willingness and relinquishment for promotion. Thereafter, the Petitioner retired on attaining the age of superannuation on 30.4.2013. The Petitioner came to know that who were similarly placed as that of the Petitioner have been given promotion and that is the subject-matter in this Writ Petition and the Petitioner has approached this Court for considering her case for promotion to the post of Deputy Inspector of Labour w.e.f from the date on which his immediate juniors were given promotion to the post of Deputy Inspector of Labour and grant further all promotions, service, monetary and other attended pensionary benefits to the Petitioner, as she has given her unwillingness under compulsion and coercion.

4.The Petitioner having given her unwillingness for promotion in the year 2008 and continued in service and attained the age of superannuation in the year 2013, merely because others have filed Writ Petitions before this Court, cannot be a ground for seeking promotion with retrospective effect with all other monetary and service benefits. It is as if the Petitioner acted as a Clause-IV employee. She is an officer in the Labour Department claiming promotion to the post of Deputy Inspector of Labour. The Petitioner would further submit that if the Petitioner had approached the Court earlier when in service, she could have been victimised and that cannot be true as there are several others said to have been filed Writ Petition, filed by others when in service. If such argument can be accepted, the Petitioner had approached this Court immediately only after 30.4.2013, the date on which she had obtained the age of superannuation. There is no need for the Petitioner to wait for nearly for four years to approach the Court by way of this Writ Petition. The Court cannot come to the rescue of a person and wake up the said person from slumber and hence the writ petition devoid of merits due to laches



and that the Petitioner has already given up her promotion in the year 2008 and it is the subject-matter in dispute.

5.The learned Additional Government Pleader appearing for the respondents submitted that there is no compulsion given to the Petitioner to give up her promotion and that the pleading in the Writ Petition would clearly stipulate that she was unable to undergo training at Ranchi, which is a mandatory requirement for promotion at that point of time.

6.Merely because subsequently, the said condition has been relaxed cannot be a ground for the Petitioner to seek the remedy sought for herein. This Court finds no merit in the Writ Petition and is liable to be dismissed.

7.Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The State of Tamil Nadu,
represented by its Secretary,
Labour and Employment Department,
Secretariat,
Chennai-9.

2.The Commissioner of Labour,
Chennai-6

3.The Accountant General,
Anna Salai,
Chennai- 600 018.

- + 1cc to Special Government Pleader in SR-83601
- + 1cc to Mr.P.Gunasekaran, Advocate in SR-83628
- AAM/6c/3p/10.01.2017

W.P. (MD) No.24811 of 2016
23.12.2016