

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No. 10085 of 2017 & W.M.P. No.11071 of 2017

R. Raman Petitioner

vs.

1 Tamil Nadu Khadi and Village Industries Board
represented by its Authorised Signatory
Kuralagam Building
Chennai 600 108

2 The Chief Executive Officer
Tamil Nadu Khadi & Village Industries Board
Kuralagam Buildings
Chennai 600 108 ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records pertaining to the impugned orders passed by the second respondent in Na.Ka. No.89363/E3(3)/90 dated 11.02.2004 and the consequential order passed by the first respondent in Khadi Board proceedings order (Ms.) No.17 dated 11.04.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner into service with all consequential service and monetary benefits.

For petitioner Mr. R. Malaichamy

For respondents Mr. V. Jayaprakash Narayanan
Special Government Pleader

ORDER

Mr. V. Jayaprakash Narayanan, learned Special Government Pleader, accepts notice for the respondents.

2 This writ petition has been preferred calling in question, the legality and validity of the order of compulsory retirement dated 11.02.2004 passed by the second respondent and the order dated 11.04.2014 passed by the appellate authority, viz., the first respondent, confirming the order

dated 11.02.2004.

3 At the outset, it is felicitous to point out that, as could be seen from the prayer, the petitioner was inflicted with the punishment of compulsory retirement by order dated 11.02.2014 which was confirmed by the Appellate Authority vide order dated 11.04.2014. Had the petitioner been really aggrieved of the orders impugned herein, he should have been vigilant enough in assailing the same at the earliest and not at this point of time at his sweet will, that too, without giving any plausible explanation for the inordinate delay.

4 The petitioner's contention is that he had preferred the appeal challenging the order of compulsory retirement way back on 30.04.2004 itself, but, the same was decided only on 11.04.2014.

5 The aforesaid contention of the petitioner cannot be countenanced for the simple reason that had his appeal not been considered by the appellate authority within a reasonable time, he could have filed a writ petition seeking a direction to the appellate authority to dispose of his appeal and he is not expected to wait till the appellate authority takes time to decide his appeal and then, blame the appellate authority for having passed orders on his appeal belatedly.

Hence, on the grounds of delay, laches and acquiescence, this writ petition is liable to be dismissed and the same is accordingly dismissed, however, sans costs. Connected W.M.P. is closed.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1 The Authorised Signatory
Tamil Nadu Khadi and Village Industries Board
Kuralagam Building
Chennai 600 108

2 The Chief Executive Officer
Tamil Nadu Khadi & Village Industries Board
Kuralagam Buildings
Chennai 600 108

+1cc to M/s. R.Malaichamy, Advocate SR.No.24531

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