

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.7729 of 2017

A.Chandrakesan

.. Petitioner

-vs-

1.The Director,
Rural Development & Panchayat Department,
Panakal Building, Saidapet, Chennai-15.

2.The Director General (Highways),
Chepauk, Chennai-5.

3.The Chief Engineer (General),
Highways Department,
Chepauk, Chennai-5.

4.The Superintending Engineer,
Highways (Construction and Maintenance),
Villupuram.

5.The Divisional Engineer,
Highways Department
(Construction and Maintenance),
Kallakurichi, Villupuram District.

6.The District Collector,
Villupuram.

7.The Block Development Officer,
Panchayat Union, Kanai,
Villupuram District.

8.The Principal Account General,
361, Anna Salai, Chennai-600 018.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to extend the benefits of G.O. Ms. No.856, Public Works Department,

dated 01.06.1977, by notionally promoting the petitioner to the post of Road Inspector Grade-I with effect from 25.09.1985 and consequently, revise his pay and other benefits including the pensionary benefits in the light of the order passed by this Court in W.P. No.7738 of 2008 and batch of cases dated 12.12.2012 in accordance with law.

For Petitioner : Mr.C.D.Johnson

For respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader
for R1 to R6

Mr.R.Pratap Kumar,
Additional Government Pleader for R7

O R D E R

This writ petition has been filed by the petitioner with huge and un-explained delay of nine long years, directing the respondents to extend the benefits of G.O. Ms. No.856, Public Works Department, dated 01.06.1977, by notionally promoting him to the post of Road Inspector Grade-I with effect from 25.09.1985 and consequently, revising his pay and other benefits including the pensionary benefits in the light of the order passed by this Court in W.P. No.7738 of 2008 and batch of cases dated 12.12.2012 in accordance with law.

2.After the petitioner retired from service in the year 2008, it is not known why he has kept quite for nine long years and now seeking the above said direction to the respondents. Learned counsel for the petitioner would submit that the petitioner has been making representation on various dates. A perusal of the typed set of papers would show that after the petitioner's retirement from the service in the year 2008, he has not made any representation from the year 2008 till 2015. Referring to the judgment, learned counsel for the petitioner requested this Court to look into the representation given by the petitioner on 03.03.2016.

3.This Court hardly finds it difficult to accept such a request. As I mentioned above, when the petitioner was serving as a Road Inspector Grade I, being a responsible officer, has wantonly abdicated his rights from being represented. While that being the case, it is highly impossible for the respondents to maintain the records of the petitioner after such nine long years. Therefore, this Court is not inclined to entertain this petition, by invoking Article 226 of the Constitution of India to issue a writ of mandamus, in favour of the petitioner, who is

found to be guilty of laches. Accordingly, the Writ Petition fails and the same is dismissed. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

vga
To

1.The Director,
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8.The Principal Account General,
361, Anna Salai, Chennai-600 018.
+1cc to Mr.C.D. Johnson, Advocate Sr. 20002
+1cc to the Government Pleader, Sr. 19800

W.P. No.7729 of 2017

NM(CO)
VR(20/4/2017)