

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2017

Coram

The Honourable **Mr.Justice HULUVADI G.RAMESH,**

and

The Honourable **Dr.Justice S.VIMALA**

W.A.NO.391 OF 2017

S.Abdul Sarthar .. Appellant

versus

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

For Appellant : Mr.A.Prakash

For Respondent : Mr.P.S.Sivashanmughasundaram,
Spl.GP

Prayer: This Writ Appeal is filed under Clause 15 of the Letters Patent, against the order dated 8.2.2016 passed by the learned single Judge in W.P.No.4560 of 2016.

JUDGMENT

(Judgment of the Court was made by
HULUVADI G. RAMESH, J.)

This Writ Appeal has been filed against the order dated 8.2.2016 passed by the learned Judge in W.P.No.4560 of 2016, dismissing the Writ Petition filed by the appellant herein, on the ground of delay and laches.

2. It appears that the appellant, after his retirement, made a representation to the respondents, seeking to extend the benefits of G.O.Ms.No.856/PWD dated 1.6.1977, by which, the Department reduced the qualifying service from 10 years to 5 years for promotion to the post of Road Inspector Grade I. It is stated that one K.Rengasamy, who is similarly placed, approached the Madurai Bench of this Court in W.P.No.7749 of 2008 and obtained the benefits by virtue of the order passed by the Madurai Bench of this Court. Thereafter, the appellant also made another representation on 5.1.2015. However, as there was no response evoking from the respondents, the appellant

approached this Court by filing a writ petition.

3. The learned Judge, without going on merits of the claim of the appellant, dismissed the writ petition only on the ground of delay and laches since the appellant has not made the representation immediately after the order passed by the Madurai Bench of this Court.

4. It is the case of the appellant that he is entitled to the benefits as per G.O.Ms.856/PWD dated 01.06.1977 and since the similarly placed person was also granted the same by virtue of the order of this Court, he is also entitled to the same.

5. Considering the facts and circumstances of the case and in view of the fact that the appellant is entitled to the benefits as per G.O.856 which, in our view, cannot be deprived of merely on the ground of delay and laches. However, at the same, if the appellant is found eligible for the benefits, we make it clear that he is not entitled to claim interest on the arrears if payable to the appellant since the delay was only at the instance of the

appellant.

Accordingly, the Writ Appeal is disposed of, directing the respondents to consider the claim of the appellant positively in the light of the G.O.Ms.No.856 dated 01.6.1977 and pass appropriate orders within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected CMP is closed.

Suk

(H.G.R.,J.) (S.V., J. J.)
11.04.2017

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.

HULUVADI G.RAMESH, J.

and

DR.S.VIMALA, J.

suk

W.A.NO.391 OF 2017

11.04.2017

<http://www.judis.nic.in>

<http://www.judis.nic.in>

