

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.32601 of 2017

1. V.Premnath
2. K.Ganesh Kumar
3. R.Devanathan

.. Petitioners

-vs-

1. The Superintendent of Police
Villupuram District
Villupuram
2. The Deputy Superintendent of Police
Armed Reserve
Villupuram District
Villupuram
3. The Area Commander
Home Guards
Villupuram, Villupuram District

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the entire records relating to the order dated 08.07.2015 made in Ma.Aa.No.658/2015 Na.Ka.No.H2/026836/2015 passed by the first respondent in so far as the petitioners are concerned and quash the same and consequently direct the first respondent to reinstate the petitioners in service of Home Guards with all consequential monetary and other benefits.

For Petitioners : Mr.C.Munusamy

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

This writ petition has been filed with a huge and unexplained delay of more than 2½ years from the date of passing of the dismissal order dated 8.7.2015, which is impugned herein.

2. Learned counsel for the petitioners submitted that the

first petitioner was appointed on 3.5.2001, the second petitioner was appointed on 29.1.2007 and the third petitioner was appointed on 5.11.2005 in the Tamil Nadu Home Guards Organisation. While they were working satisfactorily without giving any room for complaint, they were awarded meritorious certificates for their work in the department on various occasions. They were also paid a sum of Rs.150/- per day for each and every duty assigned to them. While so, the first petitioner was promoted as Section Leader from Assistant Section Leader and the second petitioner was also promoted as Assistant Section Leader from Home Guard by order dated 29.11.2012 passed by the first respondent. But all of a sudden, the first respondent refused to renew the appointment of the petitioners on the ground that their services were not satisfactory for the past three years vide the impugned order dated 8.7.2015. When the petitioners were issued with various certificates for the discharge of their duties satisfactorily, the impugned order dated 8.7.2015 issued against the petitioners, on the ground that they failed to keep up to the expectation of the superiors, is wholly misconceived, he pleaded.

3. But this Court is unable to entertain the writ petition for two reasons. Firstly, when the order was passed on 8.7.2015, the petitioners conveniently kept quiet for more than 2½ years without giving any representation, except the one made on 28.7.2015. However, the learned Special Government Pleader for the respondents submitted that there is no proof for sending that representation. Even if it is taken that the petitioners have presented their representation, it is not known how they can present a representation without challenging the order of termination. Since they have suffered an order of termination on 8.7.2015, the petitioners should have taken legal recourse without giving any representation whatsoever. Secondly, an order passed by this Court in W.P.No.17070 of 2016 dated 24.11.2016 was shown before this Court to say that a similar impugned order was set aside by this Court. Again the petitioners committed yet another mistake in keeping quiet for another one more year causing delay. Therefore, at every point of time, the petitioners committed serious lapse. Hence, they are held guilty of laches and accordingly, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

SS

To

1. The Superintendent of Police
Villupuram District
Villupuram
2. The Deputy Superintendent of Police
Armed Reserve
Villupuram District
Villupuram
3. The Area Commander
Home Guards
Villupuram
Villupuram District.

+lcc to Mr.C.Munusamy, Advocate, S.R.No.89977

W.P.No.32601 of 2017

RK(CO)
RRK(18/01/2018)



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