

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.33123 of 2017

M.Abdul Salam

.. Petitioner

Vs

- 1.The Government of Tamil Nadu,
Rep. By its Principal Secretary,
Public Works Department,
Fort St. George, Chennai - 9.
- 2.The Engineer in Chief and Chief Engineer (General),
PWD Department,
Chepauk, Chennai - 5.
- 3.The Chief Engineer (State Ground and Surface
Water Resources Data Centre),
WRO, PWD,
Tharamani, Chennai - 13.
- 4.Th Executive Engineer,
PWD, WRO, Ground Water Division,
Tirunelveli - 627 011.
- 5.The Accountant General,
Tamil Nadu Circle,
Teynampet,
Chennai - 18.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records relating to the third respondent in Letter No.778/T1/2016, dated 28.03.2016 and quash the same and consequently direct the first respondent to confer the post of Work Inspector Grade-I with effect from 02.08.1984 to the petitioner and also to confer the selection grade scale of Work Inspector Grade-I post on completion of 10 years of service with effect from 02.08.1994 and confer the Special Grade Scale on completion of 20 years of service with effect from 02.08.2004 in the post of Work Inspector Grade-I and refix the petitioner pay scales accordingly and direct the fifth respondent to confer the revised retirement and pensionary benefits within a reasonable time.

For petitioner : Mr.R.S.Anandan

For Respondents : Mr.V.Jayaprakashnarayanan, Spl.GP

O R D E R

This writ petition is directed against the impugned proceedings dated 28.03.2016 passed by the third respondent / the Chief Engineer, PWD, Chennai, in and by which, the request of the petitioner seeking the benefit of re-designation was rejected.

2. Learned counsel for the petitioner submitted that the petitioner was initially appointed as Helper Grade-I on 31.03.1972 and thereafter, he was conferred with the post of Helper Grade-II by the Executive Engineer, Tirunelveli, vide his order dated 04.12.1973. Whiles, the third respondent, vide his proceedings dated 21.02.2003, sent a proposal recommending the Government to re-designate the persons, who are holding the post of Helper under the work charged establishment of the Ground Water Wing as on the date of G.O.Ms.No.1632/PWD, dated 26.10.1977, as Work Inspector Grade-I. However, the same was denied to the petitioner for the reasons best known to the respondents. Subsequently, the petitioner had also retired from service on 31.05.2012. Therefore, it is submitted that the petitioner has not taken any step only under the hope that the Government may accept the proposal sent by the third respondent, however, the respondents have not come forward to accept the said recommendation of the third respondent. Hence, he pleaded, a direction may be given to the respondents to approve the said proposal sent by the third respondent.

3. This Court is unable to accept the above said submission. Firstly, the impugned order was passed declining the request of the petitioner by clearly stating that although the petitioner was bound to retire at the age of 58 years, he was again given extension of service for two years and thereafter, he was permitted to retire after reaching the age of 60 years. Therefore, it is not known why the petitioner did not take any step on the recommendation of the third respondent either by preferring representation immediately or by approaching the competent authority. Even during his extension of service period, he did not take any step to pursue the said recommendation made by the third respondent. Moreover, after his retirement in the year 2012, the petitioner has kept quite for about two years without taking further steps on the recommendation made by the third respondent to the Government. Therefore, at this belated stage, this Court cannot interfere with the impugned proceedings of the third respondent rejecting

the request of the petitioner for re designation.

4. Besides, it is well settled law that the delay defeats justice and equities. Equity favours a vigilant rather than an indolent litigant and this being the basic tenet of law, the question of entertaining the prayer of the petitioner, who has retired from his service in the year 2012, seeking to quash the impugned proceedings declining the request of the petitioner for re-designation, that too after a lapse of 5 long years from the date of his retirement, does not arise in this matter.

5. In fine, for the reasons stated above, the writ petition is dismissed on the ground of laches. No Costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Secretary,
Public Works Department,
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- 5.The Accountant General,
Tamil Nadu Circle,
Teynampet,
Chennai - 18.

+1cc to Mr.R.S.Anandan, Advocate, S.R.No.90674
+1cc to the Government Pleader, S.R.No.91107

W.P.No.33123 of 2017

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