

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.25668 of 2017

S.Bose

.. Petitioner

Vs

1.The District Collector,
Cuddalore District.

2.The Project Director,
Pudhu Vaazhvu Project,
An Empowerment and Poverty Reduction Project
of Government of Tamil Nadu,
No.91, St. Mary's Road,
Abiramapuram, 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 pertaining to the proceedings in No.1021/PVT.Thee.Neer./2016, dated 24.06.2016 and another proceeding in No.1021/PVP-A/2016, dated 01.06.2017 passed by the second respondent and quash the same as illegal and consequently direct the second respondent to disburse the subsistence allowance to the petitioner and reinstate him in service.

For petitioner : Mr.M.Benazir Begum

For Respondents : Mr.K.Rajendraprasad, GA

O R D E R

Challenging the impugned proceedings dated 24.06.2016 discharging him from the post of District Project Manager and also another proceedings dated 01.06.2017 ordering to recover a sum of Rs.2.2 lakhs from his salary account, passed by the second respondent / the Project Director, Pudhu Vaazhvu Project, Chennai, the petitioner has filed this present writ petition with a delay of more than 15 months.

2. Learned counsel for the petitioner submitted that after the petitioner was appointed on 08.10.2009 as District Project Manager, Chennai, he was transferred to Cuddalore District stating that his team members have committed certain irregularities and that the said report was also sent to the

second respondent for further action. On receipt of such report, the second respondent vide proceedings dated 24.06.2016 relieved the petitioner from his services and finally, by another impugned proceedings dated 01.06.2017, the second respondent passed an order of recovery from his salary account, that too without issuing any show cause notice, hence, he pleaded, the said action of the second respondent is wholly misconceived.

3. But, this Court is unable to entertain the writ petition for two reasons; firstly, the appointment order dated 08.10.2009 of the petitioner shows that the petitioner was engaged for the post of District Project Manager, Regional Appraisal and Monitoring Team, State Office, Vazhndhu Kattuvom Project, on contract basis. It further shows that he was offered for the said post on contract basis only for a period of two years from the date of his joining and it is further stated that based on his performance during the period of the contract, his contract may be extended for a further period. Thus, from the said appointment order, it is clear that he was appointed only on contract basis and subsequently, his services were also extended till 2016, therefore, the petitioner cannot make a claim to quash the impugned proceedings discharging from his services, especially, when he was discharged on the ground of certain irregularities committed by his team members.

4. Moreover, the petitioner has questioned the impugned proceedings dated 24.06.2016 after a lapse of 15 months. 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, challenging the impugned proceedings dated 24.06.2016 discharging him from the post of District Project Manager after a lapse of 15 months, cannot arise in this matter.

5. Thus, for the reasons stated above, the writ petition fails and the same is dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

rkm

To

1.The District Collector,
Cuddalore District.

2.The Project Director,
Pudhu Vaazhvu Project,
An Empowerment and Poverty Reduction Project
of Government of Tamil Nadu,
No.91, St. Mary's Road,
Abiramapuram, Chennai - 18.

+lcc to Government Pleader in sr.no.71989

W.P.No.25668 of 2017

NM(CO)
NR 10/11/2017



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