

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.26971 of 2017

K.Lakshmanan

.. Petitioner

-vs-

1. The State of Tamil Nadu rep.by
the Secretary to the Government
Education Department
Secretariat
Chennai 600 009

2. The Director of School Education
College Road
Chennai 600 006

3. The District Educational Officer
Bhavani Taluk
Erode District

4. The Accountant General (A&E)
A.G.Office Campus
361, Anna Salai
Chennai 600 018

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to revise the pension in the light of G.O.(Ms)No.446 dated 18.09.2007, Finance (Pay Cell) Department and pay the same to the petitioner with all arrears and revisions.

For Petitioner

::

Mr.R.Singaravelan
Senior Counsel for
Mr.V.S.Jagadeesan

For Respondents

::

Mr.ERA.Premnath
Government Advocate for R1 to 3

ORDER

The writ petition has been filed by the petitioner with a huge and unexplained delay of 22 years from the date of his retirement. The petitioner is now aged about 80 years. His grievance is that he

has not been paid with the difference of pension for the remaining period from 1.1.96 to 31.5.96, although it was calculated and paid upto 31.12.1995, for which he has given a representation only on 3.7.2015 through proper channel, namely, the Headmaster, Government High School, Olagadam. Now the Headmaster, Government High School, Olagadam, in his proceedings dated 13.7.2016, has sent his recommendation, therefore, the petitioner's representation dated 3.7.2015 should be considered, in the light of the recommendation made by the Headmaster of Government High School, Olagadam dated 13.7.2016.

2. This Court is not able to find any justification for the Headmaster to entertain a stale claim after 22 years. Firstly, when the petitioner has admitted that he was paid with the pension upto 31.12.1995, only for the remaining period from 1.1.96 to 31.5.96, he has not been paid the difference of pension. If that be the case, the petitioner should have made his representation immediately or at least in the year 1997/1998/1999. After keeping quiet for almost 22 long years, he cannot rake up the issue, on the ground that his representation made in the year 2015 has been considered by the Headmaster of the school in the year 2016. The reason is that it would be highly difficult to trace out the records of the petitioner who had retired, as mentioned above, two decades back. Therefore, the writ petition is dismissed on the ground of laches. Consequently, W.M.P.No.28770 of 2017 is also dismissed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Secretary to the Government
Education Department
Secretariat
Chennai 600 009
2. The Director of School Education
College Road
Chennai 600 006
3. The District Educational Officer
Bhavani Taluk
Erode District

4. The Accountant General (A&E)
A.G.Office Campus
361, Anna Salai
Chennai 600 018.

+1cc to Mr.V.S.Jagadeesan, Advocate, S.R.No.75492
+1cc to the Government Pleader, S.R.No.75702

W.P.No.26971 of 2017

cs iv(co)
pmk.28/11/2017



WEB COPY