

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.21089 to 21094 of 2016

S.Ponmalai	..	Petitioner in W.P.No.21089 of 2016
V.Sowdappan	..	Petitioner in W.P.No.21090 of 2016
K.Natarajan	..	Petitioner in W.P.No.21091 of 2016
A.Miniappan	..	Petitioner in W.P.No.21092 of 2016
P.Yesan	..	Petitioner in W.P.No.21093 of 2016
C.Susan	..	Petitioner in W.P.No.21094 of 2016

-vs-

1. The State of Tamil Nadu
rep.by its Secretary to Government
Revenue Department
Fort St.George
Chennai 600 009

2. The Commissioner of
Revenue Administration
Chepauk
Chennai 600 005 .. Respondents 1 & 2 in all the W.P's

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to consider and pass appropriate orders sanctioning of full pension taking into account of the services rendered during the period from 03.01.1965 to 31.05.1995; 20.11.1980 to 31.05.1995; 10.12.1981 to 31.05.1995; 22.09.1981 to 31.05.1995; 1969 to 31.05.1995; 26.02.1964 to 31.05.1995 respectively, i.e., the period of the part time services rendered by the petitioners applying the ratio of the directions issued by the Hon'ble Court in W.P.(MD) No.1716 of 2005 dated 24.08.2007, within a time frame fixed by this Hon'ble Court.

For Petitioners:: Mr.S.Sathia Chandran

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

ORDER

All the petitioners, being senior citizens, have come to this Court with a huge and unexplained delay of 16 long years seeking a writ of mandamus, directing the respondents to consider and sanction full pension to the petitioners taking

into account the services rendered by them during the period from 03.01.1965 to 31.05.1995; 20.11.1980 to 31.05.1995; 10.12.1981 to 31.05.1995; 22.09.1981 to 31.05.1995; 1969 to 31.05.1995; 26.02.1964 to 31.05.1995 respectively, i.e., the period of part time services rendered by them by applying the ratio of the direction issued by this Court in W.P.(MD) No.1716 of 2005 dated 24.08.2007.

2. At the outset, this Court is not able to find any sufficient cause to excuse such a huge delay. Although the learned counsel for the petitioners submitted that in the light of the judgment of a Division Bench of this Court in the case of Chairman, Railway Board v. P.Chandrasekaran decided on 17th January, 2006, the writ petitions cannot be dismissed on the ground of delay as, in the matters of pension, the Court has to take a lenient view, this Court is not able to find any merit in the writ petitions. The reason is that the petitioners, having got superannuated way back between 2001 and 2004, after a lapse of almost 16/13 long years, cannot maintain the writ petitions. Even otherwise, when the petitioners have asked for a prayer to take into account the aforementioned services rendered by them, namely, the period of part time services, they should have approached this Court immediately after their retirement or atleast after the order was passed by this Court in W.P.(MD) No.1716 of 2005 dated 24.8.2007. As they have not done so on the basis of any one of the aforementioned situations, this Court is not inclined to accept their stale claim. Therefore, the petitioners are held guilty of laches and their prayer is refused. Accordingly, the writ petitions are dismissed. No costs.

Sd/-
Assistant Registrar(C-II)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

ss

To

1. The Secretary to Government
Revenue Department
Fort St.George, Chennai 600 009
2. The Commissioner of
Revenue Administration
Chepauk, Chennai 600 005

+ 1 cc to MR. S. Sathia Chandran, Advocate SR.71613

+ 1 cc to Government Pleader Sr.71691

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SKS(CO)

EU(31/10/2017)