

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.29771 of 2010

R.Govindarajan

.. Petitioner

vs

1.The Secretary to Government,
Rural Development Department,
Secretariat Building,
Oomanthurar Government Estate,
Chennai-2

2.The Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat Building,
Oomanthurar Government Estate,
Chennai -2

3.The Director of Town Panchayat,
Kuralagam, Chennai

4.The Collector,
Erode District,
Erode - 11.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 07.01.2010 and pass orders on merits, by considering the claim for retrospective promotion on par with the promotion of juniors, and for the consequential revision of seniority, pay and other monetary benefits, within a specified and reasonable period.

For Petitioner : Mr.B.Divakaran

For Respondents : Mr.M.Perumal,
Learned Government Advocate.

O R D E R

The relief sought for in this writ petition is for seeking to issue a direction to the respondents to consider the petitioner's representation dated 07.01.2010 and pass orders on merits, by considering the claim for retrospective promotion on par with the promotion of juniors, and for the consequential revision of seniority, pay and other monetary benefits, within a specified and reasonable period.

2. The fact remains that the writ petition itself was filed by the writ petitioner at the age of 68 years. Therefore, this Court is of the opinion that the representation as such filed by the writ petitioner was after the retirement and in fact, the writ petitioner would have retired at the age of 58 years and he had given the representation on 07.01.2010, after a lapse of 10 years from his date of retirement. Now the writ petitioner would be aged about 75 years, and therefore, this Court is not inclined to issue any such direction, even to consider the representation.

3. This Court is of the opinion that even for a direction to consider the representation, it is necessary to establish a legal right. In the absence of establishing any legal right, no Writ can be issued in this regard.

4. In the present case on hand, the writ petitioner has slept over his right in respect of his retrospective promotion. An employee who has slept over his right for number of years, cannot wake up one fine morning and knock the doors of this Court seeking to redress his grievance. This Court cannot entertain such belated claims which would cause administrative inconvenience, even to trace out the Service records of the writ petitioner, who is now aged 75 years.

5. In view of the circumstances, no further adjudication needs to be undertaken and the Writ Petition stands dismissed on the ground of laches. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Rural Development Department
Secretariat Building,
Oomanthurar Government Estate,
Chennai-2

2.The Secretary to Government,
Municipal Administration and
Water Supply Department
Secretariat Building
Oomanthurar Government Estate
Chennai -2

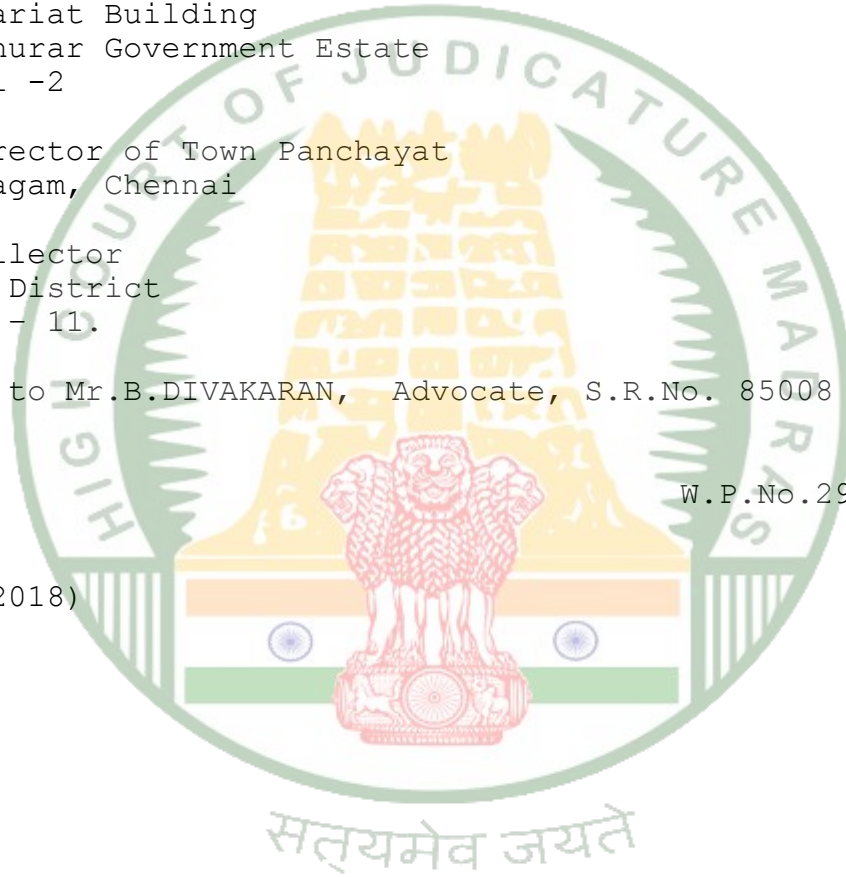
3. The Director of Town Panchayat
Kuralagam, Chennai

4. The Collector
Erode District
Erode - 11.

+1cc to Mr.B.DIVAKARAN, Advocate, S.R.No. 85008

Order in
W.P.No.29771 of 2010

TR(05/01/2018)



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