

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.29971 OF 2013

AND

M.P.NO.1 OF 2013

R.Govindarajulu

... Petitioner

Vs

1. The Secretary to the Government
Finance Department,
Fort St.George,
Chennai - 600 009.

2. The Secretary to the Government
of Tamil Nadu, Home Department,
Fort St, George,
Chennai - 600 009.

3. The Director General of Police (D.G.P)
Kamarajar Salai,
Chennai.

4. The Superintendent of Police (S.P),
Villupuram, Villupuram District.

... Respondents

Prayer: Petition under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus, directing the fourth respondent to sanction the annual increment to the petitioner in respect of the service rendered by him from 01.01.1995 to 31.12.1995 and consequently direct the respondent No.4 in particular to revise the pensionary benefits accordingly.

For Petitioner : Mr.M.Arumugam

For Respondents : Mrs.K.Bhuvaneswari
Government Advocate

ORDER

The relief sought for in this writ petition is to direct the fourth respondent to sanction the annual increment to the petitioner in respect of the service rendered by him from

01.01.1995 to 31.12.1995 and consequently direct the respondent No.4 in particular to revise the pensionary benefits.

2.The learned counsel for the writ petitioner states that the writ petitioner was working as Police Constable in the Tamil Nadu Police Department and retired from service on attaining the age of superannuation on 31.12.1995. The writ petitioner states that the increment due for the last year of service, rendered by him from 01.01.1995 to 31.12.1995 had not been sanctioned and on account of same, the writ petitioner has sustained monetary loss in his pensionary benefits.

3.The learned counsel for the petitioner states that the 4th respondent passed an order on 23.08.2013 stating that the Judgement of this Court passed in W.P.No.14401 of 2005 is not applicable to him. This apart, it is stated that the increment due cannot be denied to the writ petitioner.

4.This Court is of the opinion that the writ petitioner was allowed to retire from service on attaining the age of superannuation on 31.12.1995 and the increment due as per the petitioner was of the year 1995. The writ petitioner has not taken any steps to redress his grievances from the year 1995 to 2013. Thus, the action was taken by the writ petitioner only after the lapse of 18 years from the date of retirement. This Court is of the view that the persons more specifically, the Government servants who slept over their rights cannot wake up one fine morning and knock the doors of the Court for the purpose of redressing his grievances in respect of the increments due for the year 1995. In the case on hand, the writ petitioner has clearly slept over his rights. This apart, the writ petitioner has not enclosed any documents showing that the action was taken in between the years 1995 to 2013 when the writ petition was filed. Further, no reason has been stated in the affidavit in respect of such a huge delay of 18 years in raising the claim of increment for the year 1995.

5.The learned Counsel for the writ petitioner states that it is a continuing cause of action and therefore the time is not a criteria. The writ petitioner can claim the increment at any point of time. Such a contention cannot be accepted and it is not a petition wherein such a claim can be permitted. The specific claim of the writ petitioner is to sanction increment which falls on 31.12.1995 for the services rendered by him from 01.01.1995 to 31.12.1995. Such a specific claim in respect of the increment cannot be said to be a continuing cause. Thus, the arguments advanced in this regard by the learned counsel for the writ petitioner deserves to be rejected.

6.This Court once again has to state that the writ petition is highly belated and the writ petitioner has slept over his

right and now he cannot file this writ petition after a lapse of 18 years from the date of cause of action.

7. Accordingly, this writ petition stands dismissed on the ground of laches. However, there shall be no order as to costs. Consequently, connected miscellaneous application is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vv
To

1. The Secretary to the Government
Finance Department,
Fort St.George,
Chennai - 600 009.
2. The Secretary to the Government
of Tamil Nadu, Home Department,
Fort St, George,
Chennai - 600 009.
3. The Director General of Police (D.G.P)
Kamarajar Salai,
Chennai.
4. The Superintendent of Police (S.P),
Villupuram, Villupuram District.

+1 CC to Mr.M. Arumugam, Advocate sr 80357.
+1 cc to The Govt. Pleader sr 80973.

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SP(06/12/2017)