



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.07.2017
CORAM :
THE HONOURABLE MR.JUSTICE T.RAJA

WEB COPY

W.P(MD)Nos.12860 and 12861 of 2017
and
W.M.P. (MD)No.9957 of 2017

Kulanthairaj ... Petitioner in W.P.(MD)No.12860 of 2017
T.Savarimuthu ... Petitioner in W.P.(MD)No.12861 of 2017
vs.

- 1.The Director,
Local Fund Audit,
4th Floor Integrated Finance Department Building,
Nanthanam, Chennai-35.
- 2.The Assistant Director,
Local Fund Audit,The Residential Audit Section,
Thanjavur Municipality Corporation, Thanjavur.
- 3.The Commissioner,
Thanjavur Municipality Corporation,
Thanjavur....Respondents in W.P.(MD)Nos. 12860 and 12861 of 2017

Prayer in both W.Ps: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue Writs of Certiorarified Mandamus, to call for records pertaining to the Mu.Mu.No.25646/Na.O.Sa.(5) 2015 dated 30.06.2016 and Mu.Mu.No.25645/Na.O.Sa.(5) 2015 dated 02.08.2016 respectively, passed by the 2nd respondent and quash the same and direct the respondents to award bonus increment as per G.O.(MD)No.562 dated 28.10.1998 and disburse the monitory benefits within the time stipulated by this Court.

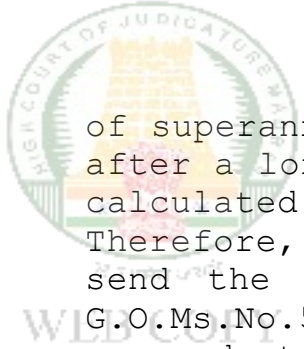
For Petitioners : Mr.G.Karnan
For Respondents : Mr.D.Muruganatham
Additional Government Pleader

COMMON ORDER

By consent of both sides, these writ petitions itself are taken up for final disposal.

2. The petitioners have come to this Court belatedly challenging the impugned orders for grant of bonus.

3. The petitioners have been appointed by the third respondent as Field Assistant and Sanitary Supervisor vide orders dated 03.12.1970 and 22.12.1973 respectively. Thereafter, they were promoted to the post of Sanitary Inspectors by the respondents on 26.05.1984 and 23.03.1984 respectively and on completion of unblemished service, they retired from service on reaching the age



of superannuation on 31.12.2007 and 31.01.2008 respectively. Only after a long time, they came to know that the respondents have not calculated the increment as per G.O.Ms.No.562, dated 28.10.1998. Therefore, they approached the third respondent with a request to send the revised proposal by awarding bonus increment as per G.O.Ms.No.562, dated 28.10.1998. Finding no response from the respondents, the petitioners have given representations on 10.04.2015 and 07.05.2015 to the District Collector, Thanjavur and the same have been forwarded to the third respondent, who, in turn, sent the proposal to the first respondent by his proceedings in Na.Ka.No.4238/2015/H1, dated 29.07.2015. By receiving the said proposal, the second respondent passed the impugned order rejecting the case of the petitioners stating that the petitioners have not worked for 30 years in the same post.

3. When the petitioners retired from the post of Sanitary Inspectors on 31.12.2007 and 31.01.2008 respectively, they should have represented their case on the basis of G.O.Ms.No.562, dated 28.10.1998. But having kept quiet for almost eight long years, they cannot pursue the remedy now, which had already been extinguished due to long delay.

4. In view of sleeping over the matter for a long time, this Court finds no merits in these writ petitions. Accordingly, these writ petitions are dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(P&A)

/ True Copy /

Sub Assistant Registrar(C.S.)

To

1. The Director,
Local Fund Audit,
4th Floor Integrated Finance Department Building,
Nanthanam, Chennai-35.
2. The Assistant Director,
Local Fund Audit,
The Residential Audit Section,
Thanjavur Municipality Corporation, Thanjavur.
3. The Commissioner,
Thanjavur Municipality Corporation, Thanjavur.

+2cc to M/S.G.KARNAN, Advocate SR.NoS.64769&64768

+1cc to Special Government Pleader, SR.No.65294

MRN/RR

MAS/KP/SAR2:27.07.2017:2P-7C

W.P(MD) Nos.12860 and 12861 of 2017
and

W.M.P. (MD) No.9957 of 2017
12.07.2017