

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No. 45224 of 2016

ORDER: (*Per VRS,J*)

Aggrieved by the dismissal of his original application, a Secondary Grade Teacher has come up with the present writ petition.

2. Heard Mr. R.K.Suri, learned counsel for the petitioner.

3. Not only was the prayer of the petitioner made before the Tribunal was quite strange, but also lacked clarity apart from being vitiated by long delay and laches. In short, the petitioner was appointed as a Secondary Grade Teacher in January, 2002. His grievance, as projected before the Tribunal, was that way back in the year 1994, there was a selection held for appointment of 42 Secondary Grade Teachers, and that only 20 Teachers were appointed. The claim of the petitioner was that the remaining 22 posts were filled up later in 1997 in an irregular manner and they were also granted seniority in the year 2005.

4. Strangely, the petitioner kept quiet first, when the so-called irregular appointments were made in 1997, and then in 2005 when a seniority list was illegally prepared. The petitioner waited for

something to happen, which, according to him, happened in November, 2014, after a period of 17 years of the appointment of third parties and after 9 years of the preparation of the seniority list.

5. On 28.11.2014, the Municipal Commissioner appears to have pointed out certain irregularities in the seniority list. Suddenly, the wisdom dawned upon the petitioner to seek information under the Right to Information Act and he went before the Tribunal neither challenging the seniority list of 2005 nor challenging the appointment of third parties in 1997, but he made a very strange prayer before the Tribunal to conduct a detailed enquiry on the irregularities and not to issue promotions to further higher posts without revising the seniority list. Interestingly, by the time the original application was filed by the petitioner before the Tribunal, a set of promotions was also effected by an order, dated 18.07.2016. The petitioner did not even challenge the said promotion order, on the ground that any of his juniors were promoted under the said order.

6. Thus, it is clear that the petitioner attempted to raise a stale claim in the year 2016 with respect to the appointments made in 1997 and the seniority fixed in 2005 and when he was not even affected by the promotions effected in July, 2016. Therefore, the Tribunal was perfectly justified in rejecting the request as very vague. We see no

reason to interfere with the order of the Tribunal. Hence, the Writ Petition is dismissed.

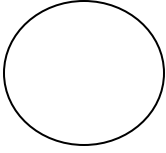
Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

2nd January, 2017
cbs





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