

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A.No.380 of 2011

R.Sundara Raju

Vs

Appellant/Petitioner

1. The Secretary to Government
Highways Department
Fort St George, Chennai 9
 2. The Chief Engineer (General)
Highways & Rural Works Dept
Chepauk, Chennai 5
- ... Respondents / Respondents

Prayer:- Writ Appeal filed under Clause 15 of Letter Patent Act, to set aside the order dated 08.06.2010 passed in W.P.No.48440 of 2006 (O.A.No.1538/2011).

The Original Application No.1538/2011 was filed before to T.N. Administrative Tribunal praying to call for the records passed by the second respondent in memo no. 7857/Conf.I/95/159 dt. 4.5.2000 and quash the same and direct the respondents to revise his seniority in the cadre of Assistant Divisional Engineer by including his name in the panel of the year 1981 and grant him all consequential service and monetary benefits after the abolition of tribunal, the Original Application was transferred to the file of this court and unnumbered as Writ petition No. 48440/06 under Article 226 of the Constitution of India.

For Appellants : Mr.T.Ayngaraprabhu
For Respondents : Ms.A.Srijayanthi
Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.)

The appellant filed the Writ Petition challenging the order dated 04 May 2000, on the file of the second respondent and for a direction to revise his seniority list in the cadre of Assistant Divisional Engineer, by including his name in the

panel of the year 1981 and grant him all service benefits. The Writ Petition was dismissed on the ground of delay of laches. Feeling aggrieved, the appellant is before this Court.

2. The factual matrix indicates that the Chief Engineer issued a letter to the appellant dated 04 March 1981 informing him that unless he pass the accounts test for Highways and Rural Works Department, his probation will not be declared. There was no challenge to the said order, within a reasonable period.

3. The appellant appears to have appeared for the accounts test and passed the test in May 1992. Subsequently, his probation was declared on 18 April 1994. The said order was also not challenged by the appellant for the reasons best known to him till 2001. The appellant accepted the letter dated 04 March 1981 and appeared for the accounts test in May 1992. It was only long thereafter the appellant filed the Writ Petition.

4. The learned Single Judge was perfectly justified in dismissing the writ petition on the ground of delay and laches. We do not find any reason to take a different view in the matter.

5. In the upshot, we dismiss the intra Court appeal. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS IV)

//True copy//

Sub Assistant Registrar

arr

To

1. The Secretary to Government
Highways Department
Fort St George, Chennai 9

2. The Chief Engineer (General)
Highways & Rural Works Dept
Chepauk, Chennai 5

+1cc to Mr.M.Muthappan, Advocate SR.No.16851
+1cc to Government Pleader SR.No.17140

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RSI (CO)
GN(10/04/2018)