

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.04.2018

CORAM

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

W.P.No.7529 of 2018

K.Bhavani

..Petitioner

Vs

1. The Principal Director
Highways Department,
96, Pattail Street,
Highways Research Campus,
Guindy, Chennai - 600 032.

2. Chief Engineer
(General) Highways Department,
Chepuak, Chennai - 600 005.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Certiorarified Mandamus, call for the records of the 1st respondent in his proceedings Kuripaanai No.10775/NIR.3 (2)/2017 and quash his Order dated 17/11/2017 and direct him to regularize the petitioner's pay by taking note of her service from 01/11/1982 and consequently review the petitioner's pension by fixing proper scale of pay for the petitioner from 01/11/1982.

For Petitioner : Mr.S.Balasubramanian

For Respondents : Mr.V.Kadhirvelu
Special Government Pleader

O R D E R

The relief sought for in this writ petition is to call for the records of the 1st respondent in his proceedings Kuripaanai No.10775/NIR.3 (2)/2017 and quash the Order dated 17/11/2017 and direct the respondents to regularize the petitioner's pay by taking note of her service from 01/11/1982 and consequently review the petitioner's pension by fixing proper scale of pay for the petitioner from 01/11/1982.

2. Peculiarly, the present writ petition is filed by the

writ petitioner at the age of 65 years. The writ petitioner was allowed to retire from service on 30.09.2011. The claim now set out in the present writ petition is that the writ petitioner is entitled for the promotion taking into account the services rendered by her with effect from 01.11.1982.

3.However, the same cannot be now considered after a lapse of more than 3 decades. The impugned order also states that the writ petitioner has made the claim for considering her case for promotion after 35 years.

4.The learned counsel appearing on behalf of the petitioner states that the right of promotion was denied to the writ petitioner during the relevant point of time and therefore, in the event of considering the case of the writ petitioner, she will be getting the higher amount of pension and arrears of pensionary benefits.

5.However, this court is of the view that the writ petitioner, who had slept over her right for more than 3 decades, now, cannot wake up for knocking the doors of this court for redressal of her claim. No claim was made by the writ petitioner within a reasonable period of time. Admittedly, the writ petitioner had not taken any initiatives to redress her grievances, while she was in service. Now after a lapse of 7 1/2 years from the date of retirement the writ petitioner cannot claim to regularize the petitioner's pay by taking note of her service from 01.11.1982 onwards. The claim of the writ petitioner is highly belated.

6.This being the factum of the case, the court is not inclined to consider the claim of the writ petitioner and accordingly, this writ petition is dismissed on the ground of laches. However, there is no order as to costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Director
Highways Department,
96, Pattail Street,
Highways Research Campus,
Guindy, Chennai - 600 032.

2. Chief Engineer
(General) Highways Department,
Chepuak, Chennai - 600 005.

+1cc to Mr.S.Balasubramanian, Advocate, S.R.No.24192

+1cc to the Government Pleader, S.R.No.24631

W.P.No.7529 of 2018

sr(CO)
GSP(17/04/2018)



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