

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2018

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

WP.No.10726 of 2018

P.K.Periyasamy

...Petitioner

Vs.

1.The State,  
Rep. by the Principal Secretary to Government,  
Home Department,  
Fort St. George,  
Chennai - 600 009

2.The Director General of Police,  
Mylapore, Chennai - 600 004

... Respondents

PRAYER

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider and pass orders on petitioner's representations dated 13.10.2007, 30.07.2009, 22.05.2017 and 03.04.2018 on the basis of the Judgment of the Division Bench of this Court in WP.Nos.38792 and 38793 of 2003 dated 10.09.2007 and restore petitioner's seniority and grant all service benefits within the time frame fixed by this Court.

For Petitioner : Mr.V.M.Venkatramana

For Respondents : Mr.V.Kadhirvelu,  
Special Government Pleader

O R D E R

The relief sought for in this writ petition is to direct the respondents to consider the petitioner's representations dated 13.10.2007, 30.07.2009, 22.05.2017 and 03.04.2018

2. The present writ petition is filed seeking restoration of seniority of the writ petitioner. The grievances of the writ petitioner is that his immediate juniors were granted the benefits of restoration of seniority by virtue of the orders passed by this court. However, the writ petitioner has now

filed a representation dated 22.05.2017. Even in the prayer in this writ petition, the writ petitioner has referred the representation submitted by the writ petitioner on 13.10.2007 and 30.07.2009. However, those representations were not pursued during the appropriate time. Now after a lapse of about eight years a fresh representation was submitted on 22.05.2017. There is a gap of about eight years, even in submitting a fresh representation. This apart, the age of the writ petitioner as of now is 66 years. He had retired from service eight years back. The issues relating to the seniority and promotion are to be raised by the employees during the appropriate time. The restoration of seniority cannot be sought for after a lapse of eight years from the date of retirement of the writ petitioner.

3. Thus, the writ petitioner has slept over his right in respect of his seniority and now after a lapse of eight years from the date of retirement he cannot seek any direction from this Court for the purpose of dispose of his representation. Such stale claims cannot be entertained by way of writ petition under Article 226 of the Constitution of India. The employees who have aggrieved have to approach the Court of law within a reasonable period of time. Now, the writ petitioner after a lapse of eight years from the retirement cannot seek any direction in respect of his claim for restoration of his seniority.

4. Thus, the writ petitioner has not established even a semblance of legal right so as to consider the relief as such sought for in this writ petition.

5. Accordingly, the writ petition is devoid of merits and stands dismissed. However, there shall be no order as to costs.

Sd/-

Deputy Registrar

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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To

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1.The Principal Secretary to Government,  
Home Department,  
Fort St. George,  
Chennai - 600 009

2.The Director General of Police,  
Mylapore, Chennai - 600 004

+1cc to Mr.V.M.Venkatramana, Advocate in sr.no.31043  
+1cc to Government Pleader in sr.no.31750

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nr 16/05/2018



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