



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.8 .2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.No.1770 of 2018
and
C.M.P.No.14209 of 2018

M.Meenakshi Sundaram : Appellant

Versus

The Secretary to Government
of Tamil Nadu,
Municipal Administration &
Water Supply Department,
Secretary, Fort. St. George,
Chennai 600 009.

: Respondent

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 22.4.2016 passed in W.P.No.14847 of 2016 on the file of this court.

Prayer in W.P.No.14847 of 2016:- Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus Directing the respondent to grant him promotion to the Post of Executive Officer, Special Grade on par with his junior K.Bhojan with all attendant and consequential benefits including revised pension and other terminal benefits in light of the Appeal preferred by the petitioner on 15.8.2013 followed by reminders on 9.3.2014 17.9.2014 2.5.2015 and 20.02.2016

For appellant : Ms.Dakshayani Reddy for
Mr.GSankaran

For respondent : Mr.R.Govindasamy,
Special Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and



2. The writ appeal has been filed by the writ petitioner challenging the order passed by the learned Single Judge dismissing the writ petition which claimed for a direction to the respondent to grant promotion to the appellant/writ petitioner to the post of Executive Officer Special Grade on par with his junior K.Bhojan with all attendant and consequential benefits including revised pension and other terminal benefits in the light of the appeal preferred by the appellant/writ petitioner on 15.8.2013 followed by reminder on 9.3.2014, 2.5.2015 and 20.2.2016.

4. The learned Single Judge, having observed that the appellant/writ petitioner had admitted in para 5 of the affidavit that when he retired from service on 31.1.2006 from the post of Executive Officer, Selection Grade, his junior Mr.Bhojan was holding the post of Executive Officer, Special Grade, as he was also promoted to the said post as early as on 20.6.2005 and therefore, when the appellant/writ petitioner had not questioned the placement of his junior K.Bhojan at the time of his retirement on 31.1.2006, merely for the reason that he came to know of the proceedings dated 12.7.2013, he cannot be entitled to come to the court after three years seeking for the relief and dismissed the writ petition on the ground of delay and laches.

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ground of delay and laches. In the fact situation, we are of the view that it is suffice to direct the respondent herein to consider the appeal petition pending before him, without being influenced by the order of dismissal of the writ petition on the ground of delay and laches, so that the grievance of the appellant/writ petitioner would be considered in accordance with law as to the legitimate entitlement or otherwise.

6. Therefore, in modification of the order passed by the learned single Judge, we direct the respondent herein to entertain the appeal pending before him and dispose of the same in accordance with law after affording opportunity to the appellant and other contestants. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ssk.

To:

The Secretary to Government
of Tamil Nadu,
Municipal Administration &
Water Supply Department,
Secretary, Fort. St. George,
Chennai 600 009.

+1 cc to M/s.G.Sankaran, Advocate SR.No.57776

W.A.No.1770 of 2018

RR(CO)
CSL/26.11.2018