

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24-10-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.4601 of 2013

T.T.Palanisamy

.. Petitioner

..Vs..

1.The Government of Tamil Nadu,
Represented by Secretary to Government,
Home (Pol.2) Department,
Secretariat,
Chennai-600 009.

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

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to implement the orders passed by the Hon'ble Tamil Nadu Administrative Tribunal, passed order in O.A.No.1314 of 2004 dated on 19.4.2004 and the order of this Hon'ble Court in WP No.3883 of 2006 on 13.2.2006.

For Petitioner : Mr.S.Sambandham

For Respondents : Mrs.A.Shrijayanthi,
Special Government Pleader.

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to implement the orders passed by the Tamil Nadu Administrative Tribunal in O.A.No.1314 of 2004 on 19.4.2004 and the order of this Court in W.P. No.3883 of 2006 on 13.2.2006.

2. The writ petitioner is a retired Deputy Superintendent of Police. Even at the time of filing of the writ petition, the writ petitioner was aged about 70 years and now he would be around 75 years.

3. The grievance of the writ petitioner is that the order passed by the Tamil Nadu Administrative Tribunal in

O.A.No.1314 of 2004 dated 19.4.2004 has not been implemented. The Tamil Nadu Administrative Tribunal passed an order stating that the writ petitioner shall be deemed to have been compulsorily retired with effect from 31.1.2002 and he shall be imposed with a punishment of cut in pension to the extent of 15% for a period of six months. Thus, the writ petitioner is of an opinion that the said order, which was not implemented, shall be directed to be implemented by issuing a direction in the present writ petition.

4. The learned counsel for the writ petitioner states that the writ petitioner filed WP No.3883 of 2006 and this Court passed an order on 13.2.2006, directing the respondents to consider the representations submitted by the writ petitioner on 15.6.2004 and 27.9.2005 and pass orders on merits and in accordance with law, within a period of three months. The said order also has not been complied with.

5. This Court is of an opinion that a writ petition is not maintainable for a relief to implement the orders passed by this Court in the year 2006 and the orders passed by the Tamil Nadu Administrative Tribunal in the year 2004. First of all, there is a long delay even in pursuing the matter by the writ petitioner. The Tribunal passed an order on 19.4.2004 and this Court passed an order on 13.2.2006 to consider the representation. The present writ petition was filed on 29th October, 2012, after a lapse of about six years from the date of the order passed in the writ petition.

6. This being the factum of the case, the writ petitioner was not vigilant in pursuing the matter and therefore, the present writ petition is liable to be rejected on the ground of laches. The writ petitioner is a retired Deputy Superintendent of Police and therefore, this Court cannot draw an inference that he was ignorant of law or the factual circumstances.

7. This being the factum of the case, the present writ petition stands dismissed, both on the ground of laches and on merits. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Secretary to Government,
Government of Tamil Nadu,
Home (Pol.2) Department,
Secretariat,
Chennai-600 009.

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

+1cc to the Government Pleader, S.R.No.73901

WP No.4601 of 2013

GSP (13/11/2018)



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