

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8300 of 2013

A.Kamakoti ... Petitioner

vs.

1. The State of Tamil Nadu,
by its Secretary to Government,
Education Department,
Fort St.George, Chennai 9.

2. The Director of School Education,
Directorate of School Education,
Chennai 6.

3. The Chief Educational Officer,
Kancheepuram. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Mandamus, directing the 1st respondent to pass appropriate orders granting notional promotion to the petitioner to the post of Grade I Tamil Pandit with effect from 25.02.1971 together with all monetary benefits.

For Petitioner : M/s.S.Selvathirumurugan

For Respondents 1- 3 : Mr. K.Karthikeyan
Government Advocate

O R D E R

The relief sought for in the present writ petition is for a direction to direct the 1st respondent to pass appropriate orders granting notional promotion to the petitioner to the post of Grade I Tamil Pandit with effect from 25.02.1971 together with all monetary benefits and pass appropriate orders as necessary proposals for the same had already been send by the second respondent as stated by the second respondent in proceeding dated 09.06.2011.

2. This Court is of an opinion that the writ petitioner even at the time of filing writ petition was aged about 78 years. The writ petitioner joined in services on 21.08.1958 and retired from service on 31.05.1992. The grievances of the writ petitioner is that, his promotion to the post of Grade-1 Tamil Pandit with effect from 25.02.1971 had not been considered by the respondents. The present writ petition was filed on 26.03.2013 after a lapse of about 21 years from the date of retirement of the writ petitioner.

3. The writ petitioner was in public service and more specifically he was served as a Teacher in the

Department of School Education. If at all the right of promotion is denied to the writ petitioner, he would have initiated appropriate action during the relevant point of time when his name was deferred. However, by seeking retrospective promotion with effect from 25.02.1971, the writ petitioner cannot file the writ petition at the age of 78 years more specifically during the year 2013.

4. The service rights if any violated has to be claimed within a reasonable period of time. The writ petitioner being a literate person is expected to adjudicate his grievances in the manner known to the law without any lapse of time. He cannot file writ petition at the age of 78 years for the purpose of claiming retrospective promotion with effect from 25.02.1971 onwards. The juniors to the writ petitioner have not been impleaded in this writ petition.

5. In view of the fact that, the writ petition is highly belated the same stands dismissed on the ground of laches. No Costs.

22.10.2018

Index : Yes

Internet: Yes

Speaking Order

pkn

S.M.SUBRAMANIAM.J

pkn

To

1. The Secretary to Government
State of Tamil Nadu,
Education Department,
Fort St.George, Chennai 9.

2. The Director of School Education,
Directorate of School Education,
Chennai 6.

3. The Chief Educational Officer,
Kancheepuram.
W.P.No.8300 of 2013

22.10.2018