

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2018

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.34375 of 2017

A. Murugappan

Petitioner

vs.

1 The Principal Secretary to Government
Tourism, Culture & Religious
Endowments Department
Secretariat
Fort St. George
Chennai 600 009

2 The Commissioner
O/o the Commissioner
The Tamil Nadu Hindu Religious
& Charitable Endowments Department
Chennai 600 034

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the connected records leading to the issue of the impugned order of the first respondent in G.O. (Pa) No.89 dated 22.05.2017 confirming the final order of the second respondent passed in Se.Mu.Na.Ka.No.58960/2013/P.2 dated 01.09.2014 and quash the same and issue

For petitioner Mr. R. Amardeep

ORDER

This writ petition is focussed against G.O. (Pa) No.89, Tourism, Culture and Religious Endowments Department dated 22.05.2017 issued by the first respondent, whereby and whereunder, the petitioner's request to entertain his appeal against the order imposing punishment of stoppage of one increment with cumulative effect, has been rejected, on the ground that the appeal was filed with an inordinate delay of 567 days.

2 The learned counsel for the petitioner submitted that since the petitioner was inflicted with the punishment of stoppage of one increment with cumulative effect as and when it falls due, which does have an impact on his retirement benefits, he preferred an appeal, however, with a delay of 567 days, which could have been accepted by condoning the delay, inasmuch the petitioner has given assigned sufficient cause for the delay.

3 This Court is not inclined to accept the aforesaid submission of the learned counsel for the petitioner for the reason that even the application to condone the inordinate delay of 567 days is bereft of any cause much less any sufficient cause. When the order of punishment of stoppage of one increment with cumulative effect was passed on 01.09.2014, the petitioner ought not to have slept over the matter like Rip Van Winkle for more than a year and he should have pursued the matter with due diligence, which he has miserably failed to do. Thus, on the ground of delay, laches and acquiescence itself, the petitioner's appeal deserves no favourable consideration and in such perspective of the matter, the order impugned in this writ petition passed by the first respondent cannot be found fault with.

In the result, this writ petition fails as being devoid of merits and is accordingly dismissed. Costs made easy.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Principal Secretary to Government
Tourism, Culture & Religious Endowments Department
Secretariat, Fort St. George, Chennai 600 009
- 2 The Commissioner
O/o the Commissioner
The Tamil Nadu Hindu Religious & Charitable
Endowments Department, Chennai 600 034.

+ 1 cc to Government Pleader Sr.704

+ 1 cc to M/s. Tamil Law Firm, Advocate Srf.586

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(CS-IV)

EU(31/01/2018)