

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.01.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20730 of 2007

E.Mahalingam

... Petitioner

-Vs-

The Secretary to Government,
Finance Department,
Fort St. George,
Chennai - 600 009.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records resulting in the impugned order in G.O.(2D) No.62 Finance [T.A-II] Department dated 21.12.2006 and quash the same and direct the Respondent to include the petitioner's name in South Arcot Unit Panel of Accountants for the Year 1979 with consequential service and monetary benefits arising thereof.

For Petitioner :: Mr.Namasivayam

For Respondent :: Mr.Ansar,
Government Advocate

सत्यमेव जयते
O R D E R

The relief sought for in this writ petition is to call for the records resulting in the impugned order in G.O.(2D) No.62 Finance [T.A-II] Department dated 21.12.2006 and quash the same and direct the Respondent to include the petitioner's name in South Arcot Unit Panel of Accountants for the Year 1979 with consequential service and monetary benefits arising thereof.

2.On a perusal of the impugned order the Government issued G.O.(2D) No.62 Finance [T.A-II] Department dated 21.12.2006 and it is made clear that the writ petitioner has preferred an appeal to the respondent only on 16.05.2001, for a direction to

include his name in the panel for promotion to the post of Accountant of the year 1979.

3. In other words, the writ petitioner seeks inclusion of his name in the panel of the year 1979. However, the writ petitioner has preferred an appeal to the respondent on 16.05.2001, after a lapse of about 22 years. The impugned order was passed on 21.12.2006 and the writ petition was preferred on 12.06.2007. Thus, this Court has to consider the fact that the writ petitioner was not approached even the authorities, within the prescribed time limit under the rules.

4. The grievances in relation to the seniority and promotion ought to have been redressed and the aggrieved employees should prefer an appeal to the Competent Authorities, within a period of three years from the date of the release of the panel or at least the order of promotion. However, in the case on hand, the first representation itself preferred to the respondent on 16.05.2001, after a lapse of 22 years from the date of the publication of the panel for promotion to the post of Accountant.

5. This apart, the writ petitioner was aged about 59 years even at the time of filing of the writ petition. The writ petition was filed after the retirement. Now, the writ petitioner would be about 69 years and his prayer for inclusion of his name in the panel of the year 1979 cannot be considered, on account of an enormous delay in pursuing the matter by the writ petitioner.

6. This Court is of the opinion that the Government employees who have slept over their rights cannot wake-up one fine morning and knock the doors of the Court. The grievances in relation to the service matters are to be redressed, within a reasonable period of time by approaching the Competent Authorities and the Courts. Now after a lapse of so many years, the grievances of the petitioner cannot be considered on merits.

7. Therefore, the Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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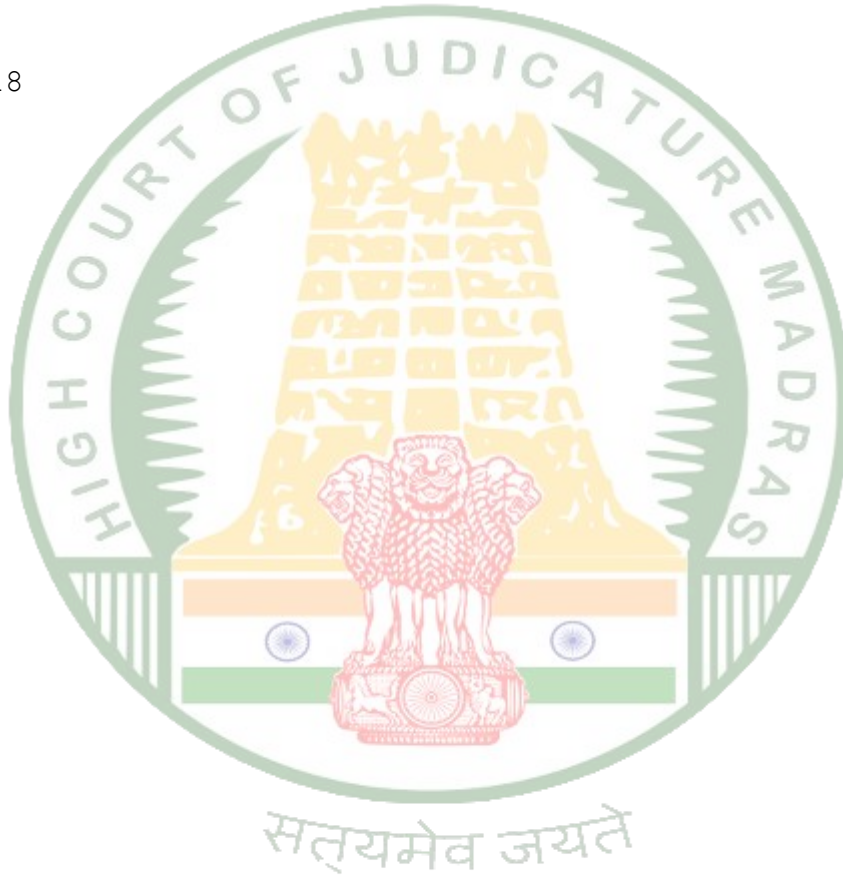
To

The Secretary to Government,
Finance Department,
Fort St. George,
Chennai 600 009.

+1cc to Mr.Namasivayam, Advocate, S.R.No.3439
+1cc to the Government Pleader, S.R.No.4606

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