

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18-06-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.14558 of 2018

R.Nandagopal

.. Petitioner

Versus

1.The Principal Chief Conservator of Forest,
Panagal Buildings,
Saidapet,
Chennai-600 015.

2.The District Forest Officer,
Nilgiri North Division,
Coonor Circle,
Coonor-2.

... Respondents

PRAYER: Writ petition is are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent in his proceedings Na.Ka.No.AAA1/39969/2016 and quash his order dated 5.4.2018 and direct the first respondent to give notional promotion as Forester in the panel prepared for 2000-2001 and review the petitioner's pension by fixing proper scale of pay for the petitioner as Forester from 2000-2001.

For Petitioner : Mr.S.Balasubramanian

For Respondents : Mr.R.Bala Ramesh,
Special Government Pleader (Forests).

ORDER

The order of rejection, rejecting the claim of the writ petitioner for grant of notional promotion to the post of Forester, by including his name in the panel of the year 2000-2001, is under challenge in this writ petition.

2. The learned counsel, appearing on behalf of the writ petitioner, made a submission that on account of the merger of the Chinchona Department with the Forest Department, the

seniority of the erstwhile employees were affected. During the interregnum period, the juniors to the writ petitioner were promoted to the post of Forester and the writ petitioner had been deprived of his promotion to the higher post. The learned counsel, appearing on behalf of the writ petitioner, states that the writ petitioner has not committed any fault and there was no disciplinary proceedings or otherwise pending against the writ petitioner during the relevant point of time. In spite of the fact that the writ petitioner is fully qualified and eligible for promotion, his case had not been considered without any valid reason for promotion to the post of Forester. Thus the writ petitioner is constrained to move the present writ petition.

3. This Court requested the learned counsel, appearing on behalf of the writ petitioner, to explain the inordinate delay in filing the present writ petition, i.e., to say about 10 years from the date of retirement. The writ petitioner was allowed to retire from service on 31.12.2007 on attaining the age of superannuation. However, the learned counsel for the writ petitioner is unable to provide any acceptable reason for the purpose of entertaining the present writ petition filed after a delay of ten years from the date of retirement. The service rights, if any, violated, the aggrieved employee has to approach the Court of Law, within the reasonable period of time.

4. In the present case on hand, the claim of the writ petitioner is in relation to the panel of the year 2000-2001. Thus, even as per the affidavit filed in support of the writ petition, the writ petitioner was aggrieved on account of the actions of the respondents in the year 2001 itself. Thereafter, the writ petitioner was allowed to retire on 31.12.2007 and now the present writ petition is filed on 8.6.2018, after a lapse of about 17 years from the date of the cause of action.

5. Thus, the writ petition is highly belated and now after a lapse of about ten years from the date of retirement, the claims of the writ petitioner for notional promotion, cannot be considered and accordingly, the writ petition stands dismissed on the ground of laches. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Principal Chief Conservator of Forest,
Panagal Buildings,
Saidapet,
Chennai-600 015.

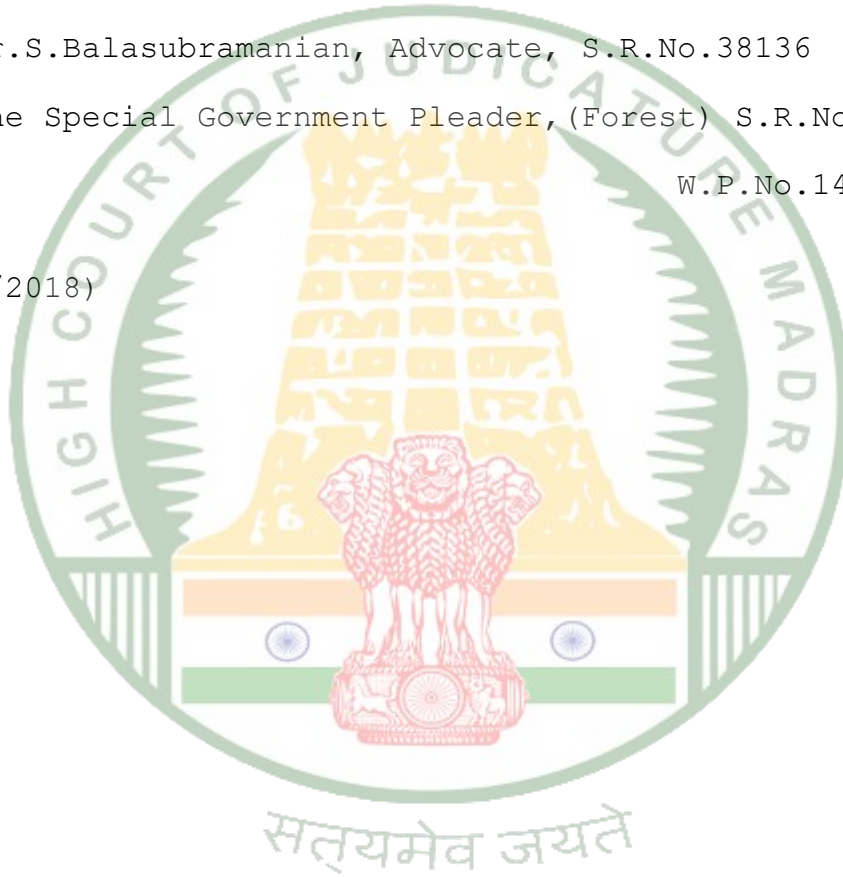
2.The District Forest Officer,
Nilgiri North Division,
Coonor Circle,
Coonor-2.

+1cc to Mr.S.Balasubramanian, Advocate, S.R.No.38136

+1cc to the Special Government Pleader, (Forest) S.R.No.38031

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SS(CO)
GSP(25/06/2018)



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