



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1409 of 2018

K.Kumaran

... Petitioner

Vs.

1.The Secretary to Government,
Agricultural Department,
Secretariat, Chennai-9.

2.The Director,
The Department of Horticulture
and Hill Crops, Chennai-5.

3.The Accountant General (A&E),
Accountant General Office,
Thenampet, Chennai - 18.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the first respondent in G.O.(3D).No.388 dated 10.12.2007 and in G.O.(3D)No.152 dated 15.10.2009 by imposing punishment of stoppage of increment for one year with cumulative effect to the petitioner and quash the same as illegal and consequently direct the respondents to promote the petitioner to the post of Assistant Director of Agriculture notionally on par with his junior and to grant all monetary and attendant benefits within a stipulated time.

For Petitioner	: Mr.D.R.Murugesan
For Respondents	: Mr.M.Jeyakumar
	Additional Government Pleader
	for R1&R2
	Mr.P.Gunasekaran for R3

ORDER

The petitioner is a retired employee of the Department of Horticulture and Hill Crops. He was visited with a punishment by order dated 10.12.2007. The petitioner filed a Review Application. The review application was also dismissed by the Government vide G.O(3D)No.152, dated 15.10.2009. Both G.O.s were personally received by the writ petitioner. The writ petitioner has woken up after 9 long years and filed the present writ petition. The writ petitioner has also retired from service. No acceptable reasons have been set out in the affidavit filed in support of this writ petition explaining the delay.



2.The learned counsel appearing for the writ petitioner would submit that a fellow employee was similarly proceeded against but charges were dropped in May 2007 and that the writ petitioner could get a copy of the said G.O.(3D).No.149, Agriculture (AA.7) Department, dated 21.05.2007 only recently and that is why the writ petitioner could not come to the Court immediately.

3.This again shows the writ petitioner is not standing on his own strength. He wants to ride on the shoulders of somebody else. The learned counsel appearing for the writ petitioner submits that if the writ petitioner succeeds in the writ petition, he can press for grant of notional promotion and consequential revision of his pension also. The endeavor of the writ petitioner is to revive stale and settled matters. There is absolutely no merit in this writ petition. It stands dismissed. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To,

1.The Secretary to Government,
Agricultural Department,
Secretariat, Chennai-9.

2.The Director,
The Department of Horticulture
and Hill Crops, Chennai-5.

3.The Accountant General (A&E),
Accountant General Office,
Thenampet, Chennai - 18.

+1cc to M/S.D.R.Murugesan, Advocate SR.No. 44255

+1cc to M/S.P.Gunasekaran, Advocate SR.No. 44244

+1cc to Special Government Pleader, SR.No. 44644

W.P(MD)No.1409 of 2018
25.01.2018

SKM

JM/SV MMS/SAR 4/13.02.2018/2P/7C