



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.A(MD)No.652 of 2018
Against
W.P.(MD)No.13875 of 2017

R.Thandavan ... Appellant/Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Housing Board,
Nanthanam,
Chennai - 35.

2.The Executive Engineer,
Tamil Nadu Housing Board,
Trichy Housing Unit,
Trichy.

... Respondent/Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 26.07.2017 made in W.P(MD)No.13875 of 2017, on the file of this Court.

Prayer in WP(MD). 13875/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to pay the arrears of petitioners increment amount after his promotion from 25.03.1987 to 04.10.2010.

For Appellant : Mr.S.Muthukrishnan

For R - 2 : Mr.V.Sivaramalingam

JUDGMENT

(Judgment of the Court was delivered by M.DURAI SWAMY,J.)

Challenging the order, dated 26.07.2017 passed in W.P(MD) No.13875 of 2017, the Writ Petitioner has filed the above Writ Appeal.



2.The appellant has filed the above Writ Petition to issue a Writ of Mandamus, directing the respondents to pay the arrears of the petitioner's increment amount, after his promotion from 25.03.1987 to 04.10.2010.

3.It is the case of the appellant that he was appointed as a Works Clerks in the Tamil Nadu Housing Board on 01.07.1977 and was promoted to the post of Junior Assistant on 25.03.1987. Subsequently, he retired from service on reaching the age of superannuation on 31.01.2011. Before attaining superannuation, he was placed under suspension on 04.10.2010 on the basis of a complaint lodged by one Murugesan that the appellant/writ petitioner demanded a sum of Rs.2,000/- as bribe. Based on the said complaint, a case was also registered against the appellant by the Inspector of Police, Vigilance and Anti-Corruption, Tiruchirappalli in Crime No.26 of 2010. Further, it is the case of the petitioner that one A.Kabriel Sammanasu, who was also working in the Tamil Nadu Housing Board at Trichy and was placed under suspension was sanctioned monetary benefits from 01.09.1996 to 28.02.2012. According to the appellant, since the said A.Kabriel Sammanasu was also similarly placed like him and that the said benefit was not extended to him, the appellant has given several representations to the first respondent. However, the representations were not considered.

4.The appellant has filed the Writ Petition only in the year 2017 seeking for a direction to the respondents to pay him the arrears of increment amount after his promotion from 25.03.1987 to 04.10.2010.

5.The learned Single Judge dismissed the Writ Petition finding that the appellant has not explained reasons for the delay in filing the Writ Petition. On the ground of laches, the Writ Petition was dismissed by the learned Single Judge. On a perusal of the affidavit filed in support of the Writ Appeal, we do not find any reason given by the appellant for filing the Writ Petition at the belated stage. Hence, we do not find any error or irregularity in the order passed by the learned Single Judge. Accordingly, the Writ Appeal is dismissed. However, it is open to the respondents to consider the representations made by the appellant in accordance with law. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar



To

1. The Managing Director,
Tamil Nadu Housing Board,
Nanthanam, Chennai - 35.

WEB COPY

2. The Executive Engineer,
Tamil Nadu Housing Board,
Trichy Housing Unit, Trichy.

+1CC to Mr.S.Muthukrishnan, Advocate, Sr.62299

ps

JM/SV-MMS/SAR-II/17.05.2018/3P-4C

W.A (MD) No.652 of 2018

17.04.2018