



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 09.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.12517 of 2014

N.H.Raman

... Petitioner

Vs.

1. The Government of Tamil Nadu,
rep. by its Secretary to Home Department,
Fort St. George,
Chennai - 600 009.

2. The Chief Conservator of Forest,
O/o.The Chief Conservator of Forest,
Panagal Maligai,
Saidapet, Chennai - 15.

3. The Divisional Forest Officer,
No.10, Social Forestry Division,
N.M.K.Colony, Toll Gate,
Trichy - 20.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to revise and regularise the service seniority and give the notional promotion with monetary benefits equal to the post of Conservator of Forest to the petitioner on the basis of the petitioner's representation dated 21.11.2013.

For Petitioner : Mr.A.Rajaraman

For Respondent : Mrs.S.Srimathy, Spl.G.P.

ORDER

The petitioner joined the Forest Department on 30.10.1964. He retired on 31.10.1997 after serving the department for over 33 years. The petitioner got promotion as Forest Ranger only on 04.04.1991.

2.According to the petitioner, this was belatedly granted. It is the grievance of the petitioner that even those persons who joined the Forest department subsequent to the writ petitioner got promotion initially as Forest Ranger, but also retired as Assistant Conservator of Forests (ACF). The petitioner therefore submitted a representation dated 20.11.2013, praying for revision of his



seniority and grant of consequential promotion. He placed reliance on the order dated 19.03.2014 made in W.P.(MD) No.575 of 2012 in favour of one E.Muthusamy. This Court is unable to entertain the present writ petition. The petition is barred by laches. The petitioner has sought issuance of writ of mandamus.

WEB COPY

3.The petitioner cannot take advantage of the order passed in favour of the said E.Muthusamy. This is for the simple reason that the said Muthusamy was employed in police department. Therefore, there cannot be any comparison between the said Muthusamy and the petitioner, who retired from Forest Department. The petitioner invokes remedy under Article 226 of Constitution of India. To obtain relief, the aggrieved individual must approach the Court within a reasonable period. The doctrine of laches is not an empty principle. The persons, who retired in the year 1997 cannot lodge a representation in 2013 and follow up the same by filing a writ petition in July 2014. Stale matters will have to be given a permanent quietus and not resurrected. This writ petition is liable to be dismissed as time barred.

4.This writ petition is dismissed accordingly. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Home Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
2. The Chief Conservator of Forest,
O/o.The Chief Conservator of Forest,
Panagal Maligai,
Saidapet, Chennai - 15.
3. The Divisional Forest Officer,
No.10, Social Forestry Division,
N.M.K.Colony, Toll Gate,
Trichy - 20.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 48247

ARUL

TE/KKR/SAR-3 : 04/05/2018 : 2P/5C