



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2018

CORAM:

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.11762 of 2011

and

M.P(MD)No.1 of 2011

S.Somu

... Petitioner

Vs.

1. The Director,
Local fund Audit,
Kuralagam 4th Floor,
Chennai.

2. The Commissioner
Rajapalayam Municipality
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the second respondent in Na.Ka.No.C1/3861/02 dated 14.01.2003 and quash the same and direct the respondents to disburse the sum of Rs.42,109/- recovered from the petitioner and pay the arrears from 01.06.1988 to 31.12.2002.

For petitioner	: Mr.S.Ramasamy
For R1	: Mr.R.Sethuraman Special Government Pleader
For R2	: Mr.N.Dilip Kumar

O R D E R

Ignorance of Law is not an excuse, so also the aggrieved Government employees have to approach the Court within a reasonable period of time.

2.The present writ petition has been filed after a lapse of about 8 years from the date of cause of action. The writ petitioner, who was employed as Bill Collector in Rajapalayam Municipality, was served with an order of recovery issued by the second respondent vide proceedings, dated 14.01.2003. Even after issuance of order of recovery, the petitioner was further promoted to the post of Revenue Assistant and the entire amount of recovery imposed vide proceedings dated, 14.01.2003 had been recovered by



the respondents by way of equal monthly instalments. The instalments were also completed and thereafter, the writ petitioner was allowed to retire from service. The present writ petition was filed by the writ petitioner after his retirement and after receiving the terminal and pensionary benefits.

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3. Thus, this Court is of the opinion that the writ petitioner has slept over his rights and thereafter, he cannot wake up one fine morning and knock the doors of the Court for redressing his grievances. It is not as if the Government Employee can approach the Court at his choice. The grievances are to be redressed, within a reasonable time. The writ petitioner was aware of the recovery, dated 14.01.2003 and allowed the respondents to give an effect to the order of recovery without any protest. The entire amount was recovered by way of instalments. Therefore, the writ petitioner cannot be allowed to challenge the same, more specially after his retirement, at his convenience. At the out set, the writ petition is directly hit by the principles of laches and accordingly, stands dismissed on the ground of laches. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To:

1. The Director,
Local fund Audit,
Kuralagam 4th Floor,
Chennai.
2. The Commissioner,
Rajapalayam Municipality,
Virudhunagar District.

+ 1 CC TO Mr.S.RAMASAMY, ADVOCATE IN SR No. 43587
+ 1 CC TO Mr.N.DILIPKUMAR, ADVOCATE IN SR No. 43354

PNN/AM

TE/SV-MMS/SAR-3 : 02/02/2018 : 2P/5C

ORDER MADE IN
W.P. (MD) No.11762 of 2011 and
M.P (MD) No.1 of 2011
23.01.2018