



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P (MD) No.19786 of 2013
and
MP (MD) No.1 of 2013

Dr.B.Vethanayagam

... Petitioner

Vs.

- 1.The Accountant General,
Office of the Accountant General (Accounts & Entitlements),
Tamil Nadu,
No.361, Anna Salai,
Chennai - 600018.
- 2.The Director of Medical Services,
Tenampet, Chennai - 600 006.
- 3.The Dean,
Madurai Medical College,
Madurai - 20.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for records pertaining to the order in Pen 6/II10608751/13-14/Misc dated 24.09.2013 issued by the 1st respondent and quash the same consequently direct the respondents to grant the pension in favour of the petitioner from the date of 30.06.1982 with 12% of accrued interest.

For Petitioner : Mr.L.Suthakaran
For Respondent -1 : Mr.P.Gunasekaran
For Respondents 2 & 3 : Mr.R.Sethuraman,
Special Government Pleader,

ORDER

The relief sought for in this writ petition is to quash the order dated 24.09.2013 and to direct the respondents to grant pension in favour of the writ petitioner from the date on 30.06.1982 with 12 % interest ..

2.The impugned order states that the writ petitioner resigned from the post of Medical Officer and was relieved from service on 30.06.1982. Thus, the claim of the writ petitioner for pension was rejected.



3. The learned Special Government Pleader appearing on behalf of the respondents states that the writ petitioner had resigned his employment and therefore as per Rule 23 of the Tamil Nadu Pension Rules, he is not eligible to get any pension.

4. This being the factum of the case, the claim of the writ petitioner cannot be considered. This apart, the writ petitioner was relieved from service on 30.06.1982. The present writ petition was filed on 03.12.2013, after a lapse of about 35 years from the date of his relieving from service on 30.06.1982. Even at the time of filing of the writ petition, he was aged about 76 years and now he would be around 81 years. Thus, the claim of the writ petitioner is highly belated and the writ petitioner has slept over his rights and he cannot wake up and knock at the doors of the Court by stating that he had not resigned the job in the year 1982, but had opted to go on voluntary retirement. Such a stale claim cannot be entertained under Article 226 of the Constitution of India, more specifically after a lapse of about 35 years from the date of relieving from the service. Thus, it is apparently clear that the writ petitioner has not made even single ground for considering his case.

4. At the outset, the writ petitioner had resigned his job in the year 1982 and filed the present writ petition after a lapse of about 35 years. This being the factum of the case, no further consideration is required in this writ petition.

5. Accordingly, the writ petition stands dismissed. However, there shall be no orders as to costs. Consequently, MP(MD)No1 of 2013 is closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Director of Medical Services,
Tenampet,
Chennai - 600 006.

2. The Dean,
Madurai Medical College,
Madurai - 20.

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.49846

W.P (MD) No.19786 of 2013
16.02.2018

dsk

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