

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 16.02.2018****CORAM:****THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.2145 of 2013**

M.Vellaichamy

... Petitioner

Vs.

1. The Home Department,
Government of Tamil Nadu,
Rep by its Secretary,
Secretariat,
Chennai.
2. The Director General of Police,
Beach Road,
Chennai.
3. The Deputy Inspector General of Police,
High Ground,
Palayamkottai,
Tirunelveli.
4. The Superintendent of Police,
Tirunelveli District,
Palayamkottai,
Tirunelveli.

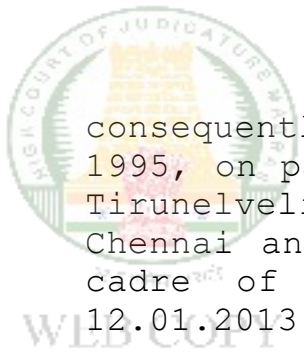
... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to regularize the petitioner's Sub Inspector service from the year 1985 consequently, as Inspector from the year 1995 at par with his juniors Mr.Sankaralingam retired Inspector, Tirunelveli District and Mr.Gopala Krishnan retired Inspector, Chennai and sanction all the service benefits and pension in the cadre of Inspector to him by considering his representation dated 12.01.2013 within the period stipulated by this Court.

For Petitioner : Mr.A.Hajamohaideen
For R1 to R4 : Mr.VPM.Vaishnavi
Government Advocate

ORDER

The relief sought for in this writ petition is for a direction to the respondents to regularize the service of the petitioner in the post of Sub-Inspector of Police with effect from 1985 and



consequently, in the post of Inspector of Police from the year 1995, on par with his juniors Mr.Sankaralingam, retired Inspector, Tirunelveli District and Mr.Gopala Krishnan, retired Inspector, Chennai and sanction all the service benefits and pension in the cadre of Inspector, by considering his representation dated 12.01.2013.

2.The learned counsel for the petitioner submits that the writ petitioner was appointed as Grade-II Police Constable, on 01.10.1965. The petitioner was promoted to the post of Head Constable on 15.10.1976 and thereafter, temporarily promoted as Sub Inspector of Police. As such, the writ petitioner was allowed to retire from service from the cadre of Sub-Inspector of Police on 31.01.2004, on attaining the age of superannuation.

3.The grievance of the petitioner is that his Juniors viz., Mr.Sankaralingam and Mr.Gopala Krishnan, were promoted as Inspector of Police and retired from service. Therefore, the writ petitioner also to be promoted and his service is to be regularized in the post of Sub-Inspector of Police with effect from 1985 and Inspector of Police from 1995.

4.At the out set, this Court has to consider whether the writ petition can be entertained, at this point of time, when was allowed to retire from service in January 2004 itself. The writ petitioner was appointed as a Constable and thereafter promoted upto the level of Sub-Inspector of Police. If at all, any grievance existed, the writ petitioner ought to have approached the appropriate authority and thereafter, appropriate Court of law within a reasonable period of time. However, the writ petitioner has not filed any writ petition seeking promotion on par with his juniors and regularization of his service in the post of Sub-Inspector of Police.

5.Even in the present writ petition, the petitioner prays that his service in the post of Sub-Inspector of Police to be regularized with effect from 1985 and in the post of Inspector of Police from the year 1995. It is pertinent to note that the writ petition was filed in February 2013, after a lapse of 9 years from the date of retirement of the writ petitioner. The writ petitioner was not vigilant enough in pursuing the remedy. An employee, who slept over his right cannot wake up in one fine morning and knock the doors of the Court. The Court cannot entertain such writ petition filed after a lapse of many years. The writ petitioner was working as a Sub-Inspector of Police at the time of retirement. Therefore, he has to approach the appropriate forum within a reasonable period of time. Even at the time of filing of the writ petition, the writ petitioner was aged about 67 years and <https://hcservices.educbs.gov.in/hcservices> about 72 years. This being the factum, the writ petition has been filed belatedly and liable to be rejected on the ground of laches.



6. Accordingly, the writ petition stands dismissed on the ground of laches. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(crl side)

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/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Home Department,
Government of Tamil Nadu,
Secretariat, Chennai.
2. The Director General of Police,
Beach Road,
Chennai.
3. The Deputy Inspector General of Police,
High Ground,
Palayamkottai,
Tirunelveli.
4. The Superintendent of Police,
Tirunelveli District,
Palayamkottai,
Tirunelveli.

+1cc to Spl.Government Pleader Sr.No.49677

NS

VB/SV/MMS/SAR3/09/03/2018/3P/6C

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16.02.2018