



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.2719 of 2013

S.Rajendran

... Petitioner

Vs .

1. The Secretary to Government of Tamil Nadu,
Highways Department,
Secretariat,
Chennai - 9.

2. The Director General,
Highways Department,
Chepauk,
Chennai - 5.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to promote the petitioner notionally from the date on which his next junior got promoted in the category of Draughtsman and consequential re fixation of his pay and other retirement benefits.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates
For Respondents : Mr.R.Sethuraman
Special Government Pleader

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to promote the petitioner notionally from the date on which his next junior got promoted in the category of Draughtsman and consequential re fixation of his pay and other retirement benefits.

2.The writ petitioner was appointed as Assistant Draughtsman and joined in September 1972 and thereafter, promoted to the post of Junior Draughting Officer in the year 1980.

3.The grievance of the writ petitioner is that his junior was promoted in the year 1999 and thereafter, the writ petitioner was allowed to retire from service on 31.08.2007. The writ petition itself was filed after a lapse of 6 years from the date of



retirement of the writ petitioner.

4.The claim of the writ petitioner is that the notional promotion has to be given from the date on which his junior was promoted. The junior has not been impleaded as party in this writ petition.

5.The learned counsel for the writ petitioner states that the junior was promoted during the year 1999. Further, it is admitted that the writ petitioner attained the age of superannuation on 31.08.2007.

6.Considering the facts and circumstances of the case, this Court is of an opinion that the writ petitioner has not pursued the remedy diligently. The fact remains that the junior was promoted during the year 1999 and the writ petitioner retired from service in the year 2007 and the present writ petition was filed on 19.02.2013, after a lapse of about 6 years from the date of retirement of the writ petitioner.

7.This being the factum of the case, the writ petition is highly belated and liable to be rejected on the ground of laches. This apart, the writ petitioner has not impleaded the junior as a party in the writ proceedings and further the details regarding the promotions and the reasons for promotion of his junior has not been clearly spelt out in the present writ petition.

8.Accordingly, the writ petition is devoid of merits and stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government of Tamil Nadu,
Highways Department,
Secretariat, Chennai - 9.

2. The Director General,
Highways Department,
Chepauk, Chennai - 5.

+ 1 CC TO M/s.AJMAL ASSOCIATES, IN SR No. 54025
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 54558

MM

TE/KKR/SAR-4 : 05/04/2018 : 2P/5C

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