

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.29731 of 2008

T.Sivagurunathan

.. Petitioner

-vs-

1. The Director of Animal Husbandry
Chennai 600 006
 2. The Regional Joint Director
of Animal Husbandry
Tanjore
 3. The Veterinary Surgeon
Government Veterinary Hospital
Thiruvaiyaru
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to step up the pay of the petitioner on par with the junior in the cadre namely Mr.M.Shanmugha Sundaram, Mr.P.Jayaraman, Mr.R.Radhakrishnan and Mr.G.K.Kothandaraman in the post of Senior Veterinary Livestock Supervisors, with effect from 8.12.1996, the date of joining of the petitioner in the post of Senior Veterinary Livestock Supervisor, pay the arrears, consequently direct the respondents to fix the pension in the cadre of Senior Veterinary Livestock Supervisor and confer all consequential monetary benefits to the petitioner.

For Petitioner : Mr.R.Nagasundaram

For Respondents : Mr.K.Ravikumar
Additional Government Pleader

ORDER

This writ petition has been filed in the year 2008 seeking a mandamus directing the Director of Animal Husbandry, Chennai, the Regional Joint Director of Animal Husbandry, Tanjore and the Veterinary Surgeon, Government Veterinary Hospital, Thiruvaiyaru, the respondents 1 to 3 herein to step up the pay

of the petitioner on par with the petitioner's juniors, namely, Mr.M.Shanmugha Sundaram, Mr.P.Jayaraman, Mr.R.Radhakrishnan and Mr.G.K.Kothandaraman in the post of Senior Veterinary Livestock Supervisors with effect from 8.12.1996, the date of joining of the petitioner in the post of Senior Veterinary Livestock Supervisor, pay the arrears and consequently direct the respondents to fix the pension in the cadre of Senior Veterinary Livestock Supervisor and confer all consequential monetary benefits to the petitioner.

2. This writ petition was filed ten years after the retirement of the petitioner on 31.3.98. When there has been a huge delay of ten years, the petitioner should have diligently taken efforts at least when he was in service, if not, within a reasonable time of one/two month(s), after retirement, which has not been done. Therefore, on the score of huge delay of ten years in preferring the writ petition, the writ petition has to go. However, when the writ petition has been pending, the petitioner also died on 1.6.2018. Atleast thereafter, the legal representatives of the deceased petitioner should have been brought on record, when the matter was repeatedly adjourned on 8.2.2019, 12.2.2019 and 18.2.2019. Hence, this Court is not able to find any merit in the writ petition. Accordingly, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Director of Animal Husbandry
Chennai 600 006
2. The Regional Joint Director of Animal Husbandry
Thanjavur
3. The Veterinary Surgeon
Government Veterinary Hospital, Thiruvaiyaru.

SAI (CO)
CSL/27.03.2019

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