

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.9269 of 2011

N.Sivasankaran
Petitioner

..

Vs

1.The Director
Directorate of Rural Development
Saidapet, Chennai-15

2.The District Collector
Coimbatore
Respondents

..

Prayer :- This Writ Petition is filed, under Article 226 of Constitution of India, to issue a writ of Mandamus directing the 1st respondent to grant an advance increment to the petitioner on his securing 5th rank in the intensive agricultural training and thereby granting monetary benefit from 04.01.1972 to 31.01.1990 and also to refix his pension from 01.02.1990 to till date and pay all the monetary and pensionary beenfits to the Petitioner.

For Petitioner : Mr.M.Baskaran

For Respondents : Mr.M.Karthikeyan,
Addl Govt.Pleader for R1
and R2.

ORDER

This Writ Petition is filed seeking direction to the 1st respondent to grant an advance increment to the petitioner on his securing 5th rank in the intensive agricultural training and thereby granting monetary benefit from 04.01.1972 to 31.01.1990 and also to refix his pension from 01.02.1990 to till date and pay all the monetary and pensionary benefits.

2. It is averred in the Writ Petition that as per the scheme of the Government, persons who secured first rank in training shall be awarded two advance increments and from 2nd to

5th rank, they shall be awarded one advance increment. It is further submitted that the petitioner and another Ramasamy secured same marks and they have been awarded 5th rank, however, the said Ramasamy alone granted one advance increment and the petitioner was not granted the same. The Petitioner made representation to the first respondent. The first respondent vide proceedings dated 21.12.1982 rejected the said representation stating it is discretion of the officer to grant advance increment. Thereafter, the Petitioner is stated to have submitted number of representations. Subsequently, he has also been retired from service on 31.03.1990. Thus, the Petitioner approached this court with the present writ petition.

3. The learned Additional Government Pleader filed counter affidavit and reiterated his submissions stated therein. It is stated that Ramasamy secured 1174 marks and awarded fifth rank; Petitioner secured 1174 marks but awarded fifth rank in sixth place and it is the discretion of the officer who is empowered to grant advance increment in case two persons are awarded same rank as per Government Memo No.56082/E6/74.6 dated 21.10.1974. It is further stated that the Petitioner was transferred to Dindigul District and he opted for voluntary retirement scheme and retired on 31.01.990. It is also stated that as per Government order, this increment sanctioned to only 5 persons based on the rank and hence, the Petitioner requisition was not considered and rejected by the first respondent and it was also informed to the Petitioner vide first respondent letter dated 21.12.1983 regarding grant of advance increment during 1971-72.

4. The learned Additional Government Pleader also put forth his submissions that the Petitioner is not entitled for the relief prayed for in this Writ Petition as he filed the Writ Petition challenging the action of the respondents which had happened in the year 1974, after nearly 34 years,

5. Considering the submissions made on both sides, this court is of the view that the Petitioner approached this court after the lapse of 37 years of the action of the respondents. The Writ Petition is liable to be dismissed on the ground of laches and inordinate delay. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

nvsri

To

1.The Director
Directorate of Rural Development
Saidapet, Chennai-15

2.The District Collector
Coimbatore.

+1 cc to Mr.M.Baskaran, Advocate, Sr.No.7960

CSL/27.05.2019

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