

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.06.2019

Coram

The Hon'ble Mr. Justice V.PARTHIBAN

W.P.No.16887 of 2019

D.Gunasekaran

..Petitioner

vs.

1.The Secretary,
Department of Nutritious Meals and
Social Welfare,
Fort St.George,
Chennai - 600 009.

2.The Commissioner,
Department of Social Defence,
No.300, Purasawalkam High Road,
Kellys, Chennai - 600 010.

3.The Superintendent,
Government Children Home,
Panchapalli - 636 812.
Dharmapuri District.

..Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents to promote the petitioner as a Superintendent and re-fix the salary and pension and all monetary benefits.

For Petitioner .. Mr.V.Gangatharan

For Respondents.. Mr.J.Pothiraj

Special Government Pleader

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ORDER

The petitioner has filed the present writ petition seeking a direction to the respondents to promote him as Superintendent and re-fix his salary, pension and all other attendant benefits.

2.According to the petitioner, he should have been promoted as Superintendent in 2008 itself and in that regard, a representation was also sent to the authority on 01.11.2008. In

the meanwhile, the petitioner was also proceeded departmentally by framing a charge against him under Section 17(b) of the Disciplinary Rules, on 18.12.2008. According to the petitioner, he was exonerated from the charge.

3.The facts as stated in the affidavit, filed in support of the writ petition, are not very clear as to what the grievance of the petitioner, except stating that he ought to have been promoted in the year 2008 as Superintendent, there is nothing in the affidavit. The facts are quite jumbled and no sense could be made out in the entirety of the affidavit filed in support of the writ petition. Further, from a very close reading of the writ petition, it appears that the petitioner's cause of action has arisen 11 years before and there is not even a whisper in the affidavit as to what happened in the entire period of 11 years for the petitioner to approach this Court casually in 2019. In any event, it appears that the petitioner has no case on merits. Even otherwise, the writ petition is severely hit by laches. Hence, the writ petition is dismissed both on merits as well as on laches. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary,
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3.The Superintendent,
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Panchapalli - 636 812.
Dharmapuri District.

+lcc to Government Pleader sr.50617

+lcc to Mr.V.Gangatharan, Advocate sr.49793

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nr 13/08/2019