

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2019

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

WP.No.17195 of 2019 &
W.M.P.No.16745 of 2019

C.Thavamani .. Petitioner

versus

1. The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Salemedu,
Villupuram Town and Taluk,
Villupuram District.

2. The Branch Manager,
Tamil Nadu State Transport Corporation Ltd.,
Branch Office,
Thiruvannamalai Road,
Gingee Town and Taluk-604 202,
Villupuram District.

3. The Secretary,
Transport Department,
Government of Tamil Nadu,
Fort St.George,
Chennai-600 009.

4. The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Salemedu,

Villupuram Town and Taluk,
Villupuram District.

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the 4th respondent vide K.Ku.No.1113/3492/T2/TNSTC/V2006 dated 31.08.2009, quash the same and consequently, direct the respondents to grant and pay all the monetary benefits along with other benefits on the basis of the representation dated 21.2.2019 to the petitioner.

For Petitioner : Mr.K.P.Chandrasekaran

For Respondents : Mr.A.Antony Arockiaraj for
TNSTC

ORDER

The petitioner has come up with the present Writ Petition, challenging the order dated 31.08.2009 passed against him by the 4th respondent, removing him from service on the basis of disciplinary action initiated against him.

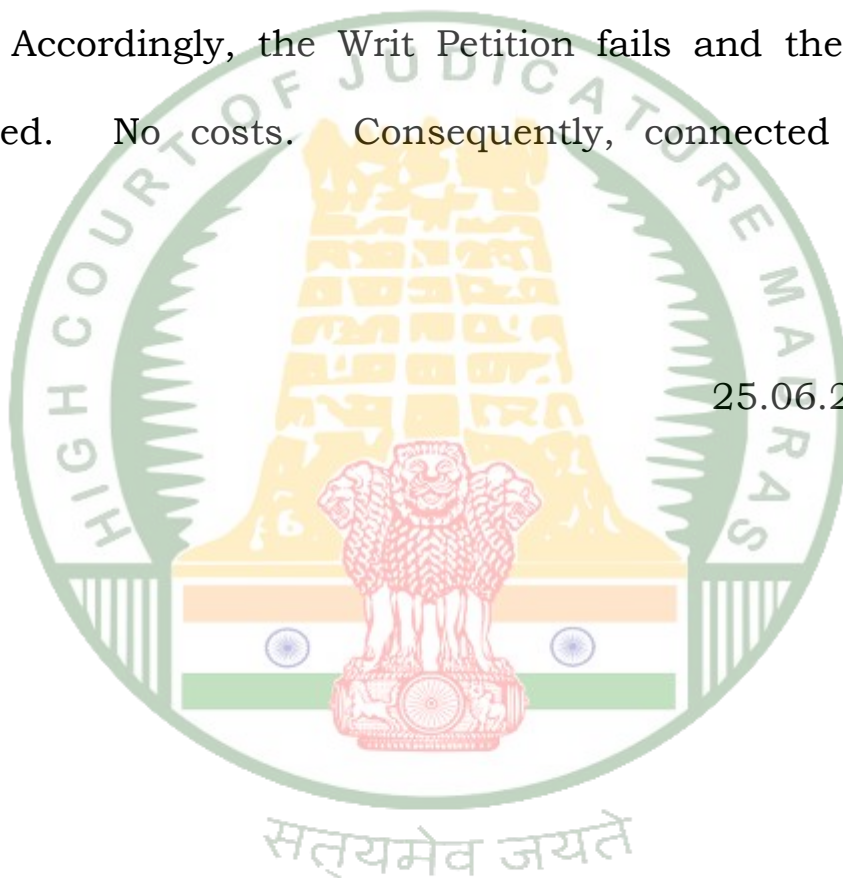
2. In the entire affidavit filed by the petitioner in support of the Writ Petition, nothing has been disclosed as to what transpired between 2009 and till date. The petitioner appears to have submitted a representation against the punishment after a period of ten years on 21.2.2019 and approached this Court by seemingly innocuous prayer to dispose of his representation. If such prayer is granted, it would be indirectly reviving the old cause of action which arose in 2009 and the issue was long dead and buried. The grievance of the petitioner in present nature, cannot be revived after a period of ten years when no proper explanation has been forthcoming as to what happened to the entire period of ten years and why the petitioner has not chosen to challenge the adverse action initiated against him in 2009 itself. In the absence of any kind of explanation, this Court does not think that it is proper to entertain the present Writ Petition and inject a cause of action into the issue and dispute when nothing is in existence presently.

3. For the above said reasons, this Court is of the view that the Writ Petition is hopelessly time barred and severely hit by latches and hence, the same is liable to be dismissed.

4. Accordingly, the Writ Petition fails and the same is dismissed. No costs. Consequently, connected WMP is closed.

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25.06.2019



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To

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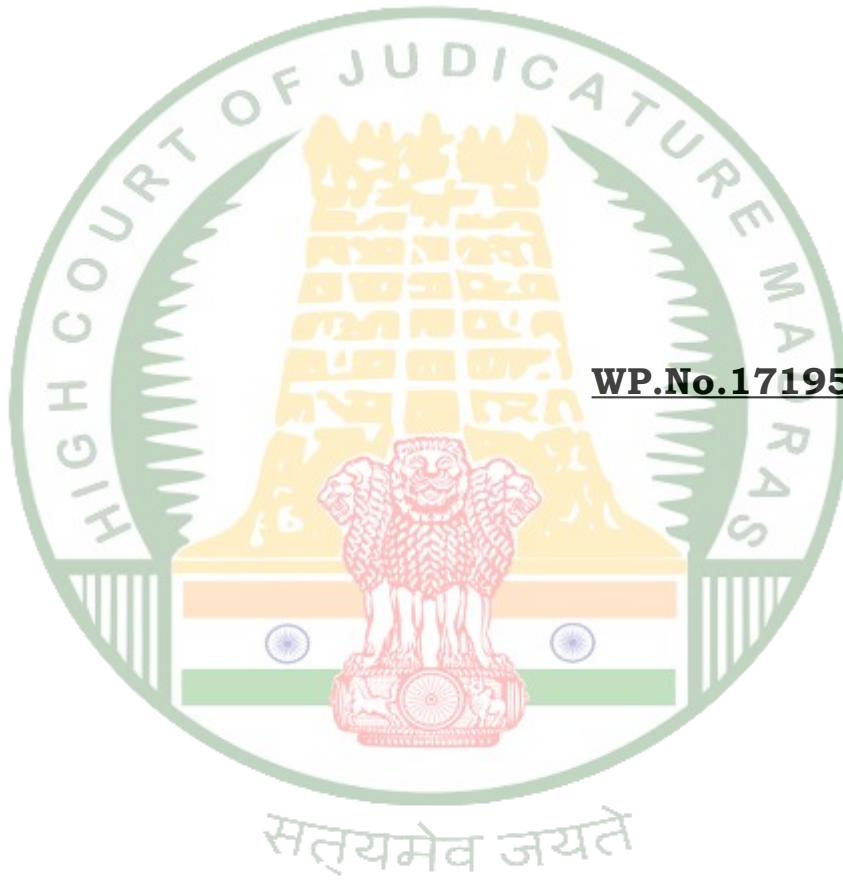
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V.PARTHIBAN, J.

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