



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.07.2019

CORAM

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P.No.18431 of 2019

A.Vedhaprakash

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. By its Secretary,
(Education Department)
St. George Fort,
Chennai - 600 009.

2.The Commissioner,
Corporation of Greater Chennai,
Ribbon Building,
Egmore, Chennai - 600 003.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to review G.O.Ms.No.110 dated 10.07.2006 as per the petitioner's representation dated 28.11.2018.

For Petitioner : Mr.M.Thamizhavel

For 1st Respondent : Mr.K.Karthikeyan
Government Advocate

For 2nd Respondent : Mr.J.Pothiraj
Special Government Pleader

ORDER

The petitioner is presently working as Secondary Grade Assistant Teacher in Chennai. He was appointed on 11.12.1998 and was working as Secondary Grade Teacher at Kalyanapuram Corporation High School, Vyasarbadi, Chennai. At that time, he was given a charge memorandum on 23.04.2001 by the 2nd respondent charging the petitioner for assaulting his colleague and therefore, acted against the rules. Thereafter, enquiry was conducted after obtaining explanation from the petitioner. Finally an order was passed on 17.11.2001 imposing a punishment of stoppage of increment for a period of two years against which



an appeal was filed on 05.03.2002 and the 1st respondent rejected the appeal vide G.O.Ms.No.110 dated 10.07.2006 thereby confirming the order passed by the 2nd respondent.

2. According to the petitioner, in view of the punishment imposed with cumulative effect, he suffered extreme hardship and in that regard, he appears to have submitted a representation after a period of 12 years in 2018 to the 1st respondent to review the G.O.Ms.No.110 dated 10.07.2006. According to the petitioner, no order has been passed and therefore, he is before this Court seeking to issue a writ of mandamus directing the Government to review its order dated 10.07.2006.

3. From the above narrative, it is clear that the petitioner has submitted an application for review after a period of 12 years which is admittedly time barred and hopelessly belated. The petitioner having slept over, his option of filing a review after 12 years cannot be allowed to seek a direction from this Court directing the Government to review its order which was passed as early as in 2006. A stale issue at this nature cannot be revived at the instance of the petitioner who has not been diligent in pursuing the remedy of review promptly. No indulgence could be shown to the petitioner in such matters and in any event, such stale claims cannot be revived at the instance of the petitioner, who sought a seemingly innocuous prayer to dispose of the review petition.

4. For the above said reason, this Court is of the view that the writ petition is not maintainable and therefore, the same is dismissed at the admission stage itself. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

Sgl

To

1. The Secretary,
The Government of Tamil Nadu,
(Education Department)
St. George Fort, Chennai - 600 009.

2. The Commissioner,
Corporation of Greater Chennai,
Ribbon Building, Egmore,
Chennai - 600 003.



3.The Government Advocate,
High Court, Madras.

+1cc to Mr.M.Thamizhavel, Advocate SR.No.54394

+1cc to Government Pleader SR.No.54946

W.P.No.18431 of 2019

RGN(CO)
GMY(21/08/2019)