

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2019

CORAM :

THE HON'BLE MR.A.P.SAHI, THE CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.A.NO.4121 OF 2019

M.Thurairaj

.. Appellant

-vs-

1. The State of Tamil Nadu,
rep by Secretary to Government,
Personal and Administrative
Reforms (Personnel-P) Department,
Fort St. George, Chennai - 600 009.
 2. The Sub Collector,
Sub Collector's Office,
Padmanabapuram, Kanyakumari District
- Respondents

Writ Appeal filed under Clause 15 of Letters Patent against
the order dated 06.03.2019 made in W.P.No.6407 of 2019.

W.P.No.6407 of 2019:-

The Writ Petition is filed under Article 226 of the
Constitution of India, seeking for issuance of Writ of
Certiorarified Mandamus, to call for the proceedings of the
Second Respondent in Na.Ka.A1/5784/2018, dated 01.03.2018 quash
the same and direct the Second Respondent to issue certificate
of preferential as per GO.Ms.No.188 personal and Administrative
reforms (Par-8) Department, dated 28.12.1976 to the petitioner's
daughter M.T.Praveena.

For Appellant

: Mr.Devadason

For Respondents

: Mr.V. Jayaprakash Narayanan
Government Pleader

JUDGMENT
(Delivered by The Hon'ble Chief Justice)

A piece of 40 cents of land was acquired half a century ago in the year 1968. The writ petition was filed seeking employment on the ground that the land was acquired under a particular Scheme and therefore, priority in employment was claimed in terms of relevant Government Orders. The request made in the year 2015 came to be rejected on 01.03.2018 and assailing the same the writ petition was filed which was dismissed. The said dismissal of the writ petition gave rise to the filing of the writ appeal.

2. The contention of learned counsel is that the authorities have erroneously proceeded to consider the claim as if it was the grand daughter of the owner of the land, who was claiming such employment, but the fact of the matter is that the appellant is the son of the deceased land owner.

3. Even assuming for the sake of arguments that by wrongly identifying the legal heir, the matter was not considered in correct perspective, the fact of the matter is that the appellant moved the respondents in the year 2015. This huge lapse of time remains unexplained, but learned counsel contends that since 1968 no one was educated in the family nor anyone was available for being considered for employment and therefore, a limitation cannot be read so as to arrest any claim or reservation of right for employment on the strength of preferential Government Orders.

4. We are unable to accept the above submission. Though there may be no prescription of time limitation, the ordinary Rule of prudence requires the recognition of right within a reasonable time if agitated before appropriate forum. By no stretch of imagination 50 years of waiting can be construed a reasonable period of time for seeking employment.

5. Therefore, the conclusion arrived by the learned Single Judge cannot be faulted with. Accordingly, the writ appeal is consigned to records. No costs.

Sd/-

Assistant Registrar (CJ Conf.)

//True Copy//

Sub Assistant Registrar

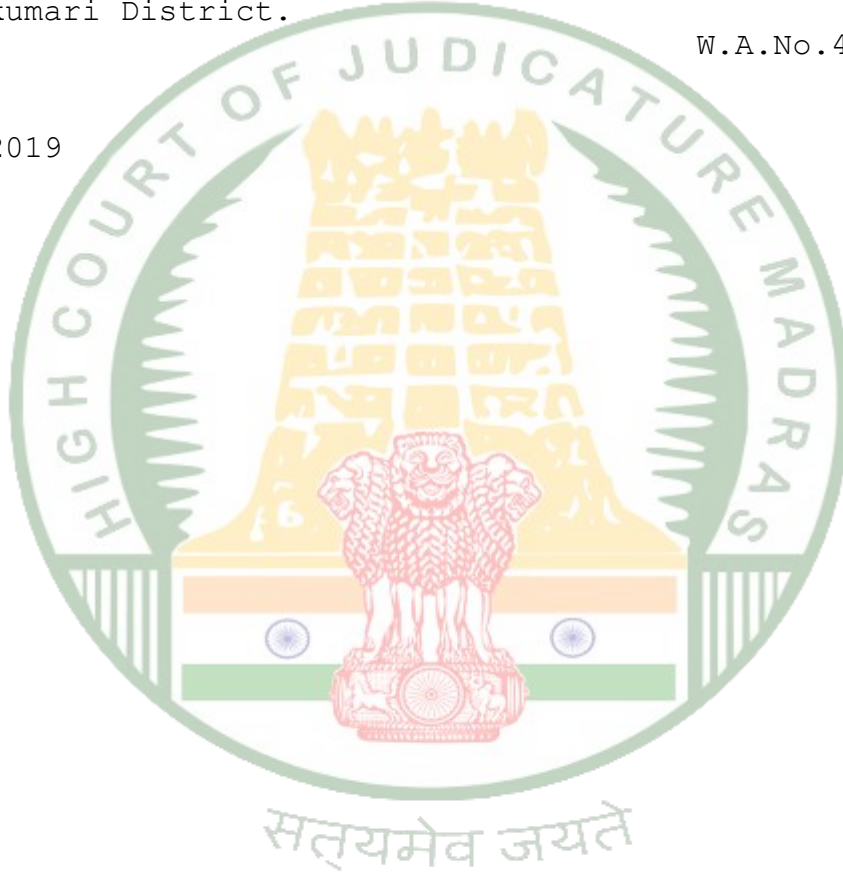
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To

1. The Secretary to Government,
State of Tamil Nadu,
Personal and Administrative
Reforms (Personnel-P) Department,
Fort St. George,
Chennai - 600 009.
2. The Sub Collector,
Sub Collector's Office,
Padmanabapuram,
Kanyakumari District.

W.A.No.4121 of 2019

LN(CO)
CS/19/12/2019



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