

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.07.2019

Coram

The Hon'ble Mr. Justice V.PARTHIBAN

W.P.No.19091 of 2019

K.M.Kamalam

..Petitioner

vs.

1. State of Tamil Nadu,
rep.by its Secretary to Government,
Higher Education Department,
Fort St.George,
Chennai-600 009
2. The Director of Collegiate Education,
DPI Compound, College Road,
Nungambakkam,
Chennai-600 006
3. The Joint Director of Collegiate Education,
Coimbatore Region,
Coimbatore.
4. The Principal,
Chikkanna Government Arts College,
Thiruppur District.

..Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents 2 to 4 herein to effect notional promotion to the petitioner's husband as Principal with re-fixation of pay scale on the date on which his immediate Junior was promoted as Principal and to grant revised family pension.

For Petitioner .. Mr.Venkatasamy Babu

For Respondents .. Mr.V.Kathirvelu, Spl.G.P.

ORDER

The husband of the petitioner was appointed as Assistant Professor (History), on 07.01.1970, in the 4th respondent College. He died while in service on 21.11.1986. G.O.Ms.No.454 Education (F1) Department, dated 19.3.1987 was issued

regularising the services of the petitioner's husband in the post of Professor. On 13.11.1987 Family Pension order was issued to the petitioner. After nearly 32 years, a representation appears to have been submitted by the petitioner seeking notional promotion to her husband in the post of Principal Grade-II, on the date on which his junior was promoted as Principal. Representation in this regard was made on 20.05.2019. Since there was no response to the said representation, the petitioner is before this Court for issuance of writ of mandamus.

2. From the above narrative, it is clear that the cause of action arose 30 years before, for which, the present writ petition has been filed. Even otherwise, the claim cannot be granted when the petitioner's husband died in 1986 itself. The writ petition appears to be completely speculative and cannot be entertained even for a second. An extremely stale claim of this nature cannot engage the attention of this Court and this Court cannot intervene in such matters and revive such old claim, which was long buried.

3. In fact, from the facts as narrated in the writ petition, it is seen that the petitioner's husband's junior was given promotion in 1980 as Principal and was granted further promotion as Grade-I Principal in 1985 when the petitioner's husband was alive in service. No challenge was made in regard to the promotion given to the petitioner's husband's junior during the life time of the petitioner's husband and even immediately after her husband's death, the issue was not raised by the petitioner before the authority concerned. After a period of 38 years, the present writ petition has been filed for the cause of action which arose originally in 1980. Therefore, the writ petition has to be certainly dismissed on the ground of severe laches and hopeless delay.

In the result, the writ petition is dismissed as not maintainable. No costs.

Sd/-
Deputy Registrar (CJ Conf.,)

//True Copy//

Sub Assistant Registrar

msk

To

1. The Secretary to Government,
Higher Education Department,
Fort St.George,
Chennai-600 009
 2. The Director of Collegiate Education,
DPI Compound, College Road,
Nungambakkam,
Chennai-600 006
 3. The Joint Director of Collegiate Education,
Coimbatore Region,
Coimbatore.
 4. The Principal,
Chikkanna Government Arts College,
Thiruppur District.
- +1 cc to Mr.Venkatasamy Babu, Advocate, S.R.No.57044

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LN(CO)
SSM(02/08/2019)



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