

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 12.07.2019

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

Writ Petition No.20293 of 2019

K.Raju

...Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by its Secretary to Government,
Higher Education Department,
Fort St.George, Chennai - 9.

2.The Director(Polytechnic)
Directorate of Technical Education,
Chennai - 600 025.

3.Government Polytechnic,
Rep by its Principal,
Villupuram.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of writ of mandamus directing the second respondent to promote the petitioner as Instructor with retrospective effect from 28.07.1982 in stead of 18.10.1983 and consequently grant the seniority and other monetary benefits to the petitioner based on the G.O.Ms.No.1364 Education Department dated 16.08.1988 by which similarly placed persons namely 1.Tmt.Esther Sugandhi Pramod, 2.Tmt.J.Megala, 3.Tmt.Vijaya and 4.Tmt.Senbagavalli who were given retrospective promotion and based on the representation dated 15.04.2019.

For Petitioner : Mr.A.V.Bharathi for
M/s. Martin Jayakumar

For Respondents : Mr.V.Kathirvelu, Spl.G.P.
for R.1 to R.3

ORDER

The writ petition is seeking a direction to promote the petitioner as Instructor with retrospective effect from 28.07.1982 instead of 18.10.1983 with consequential prayer for grant of seniority and other monetary benefits.

2.From the very nature of the prayer, it appears that the cause of action had arisen 35 years before and such a hopelessly belated claim cannot be entertained by this Court. Although, several reasons have been stated in the affidavit filed in support of the writ petition in regard to the issuance of Government Orders over a period of time and also orders passed by this Court in writ petitions, yet this Court finds that the claim of the petitioner is still stale and cannot be allowed to be revived after a period of 3 decades.

3.Moreover, this Court finds that the petitioner is a retired Government employee and he cannot casually approach this Court after his retirement and ask for some benefit, which supposed to have accrued to him way back in 1982. If any relief is granted to the petitioner, it will completely unsettle the settled things in the Department and in any event the belated claims need not be entertained when there is no proper explanation in the affidavit seeking to condone such long delay of more than 33 years.

4.For the above said reasons, the writ petition is per se not maintainable and therefore, the same is dismissed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
State of Tamil Nadu,
Higher Education Department,
Fort St.George, Chennai - 9.

2.The Director (Polytechnic)
Directorate of Technical Education,
Chennai - 600 025.

3.The Principal,
Government Polytechnic,
Villupuram.

+lcc to Mr.E.Martin Jayakumar, Advocate sr.60286

W.P.No.20293 of 2019

mp(co)
nr 03/09/2019