



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 18.07.2019
CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.20879 of 2019

A.Sivasubramaniya Pillai .. Petitioner

Vs

- 1.The Government of Tamil Nadu,
rep. by Principal Secretary to Government,
School Education Department,
Secretariat, Chennai-600 009
- 2.The Director of School Education,
Chennai-600 006
- 3.The District Educational Officer,
Cheyyar,
Thiruvannamalai District. ...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to consider the claim of the petitioner for notional up-gradation as Typist Grade-I, w.e.f., 04.09.2008, in the light of G.O.Ms.No.45, P & AR Department dated 15.02.1994 and the representation of the petitioner dated 06.04.2019.

For Petitioner : Mr.P.Murali
For Respondents : Mr.K.Karthikeyan,
Government Advocate

ORDER

This petition has been filed seeking for issuance of a Writ of Mandamus, to direct the first respondent to consider the claim of the petitioner for notional up-gradation as Typist Grade-I, w.e.f., 04.09.2008, in the light of G.O.Ms.No.45, P & AR Department dated 15.02.1994 and also the representation of the petitioner dated 06.04.2019.

2. According to the petitioner, that he had completed 18 years of regular service as Typist as on 03.09.2008 and by virtue of G.O.Ms.No.45, P & AR Department dated 15.02.1994, the petitioner is entitled to the benefit of upgradation as Typist Grade-I with effect from 14.09.2008. However, the grievance of the petitioner is that the said up-gradation has not been



granted with effect from 04.09.2008 and in this regard, it appears that the petitioner has been making representations.

3. The petitioner is 68 years old and retired from Government service long ago. It appears that after his retirement, the petitioner has submitted a representation on 06.04.2019. Since the same has not been disposed of, the petitioner is before this Court seeking for the above relief.

4. This Court has time and again held in various writ petitions that such a seemingly innocuous prayer for disposal of representations, cannot be entertained by this Court. In this case, the petitioner appears to have tried to revive the stale claim of the year 2008. Moreso, the petitioner had already retired a decade ago and he has casually submitted a representation in 2019 and he now seeks a direction to the respondents to upgrade him as Typist Grade I with effect from 04.09.2008. The prayer as sought for in this writ petition is hopelessly time barred and the same is hit by severe laches. This Court does not think that such a writ petition can be entertained at this distance of time when the cause of action has originally arisen in 2008 and no proper explanation has been forthcoming from the petitioner as to why it has taken more than 10 years for the petitioner to submit his representation leisurely in 2019.

5. In the said circumstances, the writ petition is dismissed as being hit by laches. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Government of Tamil Nadu,
rep. by Principal Secretary to Government,
School Education Department,
Secretariat, Chennai-600 009
 - 2.The Director of School Education,
Chennai-600 006
 - 3.The District Educational Officer,
Cheyyar, Thiruvannamalai District.
- +1cc to Mr.P.Murali , Advocate SR.No. 61840
+1 cc to Government Pleader Sr.No. 62411

W.P.No.20879 of 2019