

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 28.08.2019

CORAM

THE HON'BLE MR.JUSTICE V.PARTHIBAN

WRIT PETITION NO.25527 OF 2019

D.Christopher

...Petitioner

Vs.

1. Government of Tamil Nadu,
Rep by Principal Secretary to Government,
Finance (PC) Department,
Secretariat, Chennai - 09.
2. The Commissioner of Indian Medicine
and Homeopathy,
Arignar Anna Government (Hospital),
Indian Medicine, Arumbakkam,
Chennai - 600 106.
3. The Superintendent,
Arignar Anna Government Hospital,
Indian Medicine, Chennai - 600 106.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of writ of mandamus directing the first respondent to pass appropriate orders on the claim of the petitioner within a fixed time frame with regard to upgradation of the petitioner's post as Mechanic, Grade - I, w.e.f., 10.10.1984 and consequential monetary benefits, including higher pensionary benefits.

For Petitioner : J.Muthukumaran

For Respondents : Mr.V.Kathiravelu, Spl.G.P.

ORDER

The prayer in the writ petition is to direct the first respondent to grant up-gradation to the petitioner as Mechanic Grade-I from 10.10.1984 with consequential monetary benefits.

2.It appears that the petitioner, as per his own declaration in the affidavit, is 62 years old and he is seeking to revive a hopelessly time barred cause of action, which arose in 1984, wherein, according to the petitioner, his up-gradation as Mechanic Grade - I from that date, i.e., 1984 was not granted. The petitioner having retired, after attaining the age of superannuation several years before, has leisurely approached this Court with the present writ petition seeking certain benefits, which according to the petitioner, were unjustly denied in 1984.

3.The learned counsel for the petitioner would at the outset attempt to argue that he came to know that similar benefits have been granted recently and therefore, this writ petition has been filed.

4.This Court is unable to appreciate such submission, since the petitioner, for a long period of time, i.e. nearly 35 years, has slept over his right and such a stale claim, under no circumstances can be entertained by this Court. Therefore this Court is of the view that the writ petition is hopelessly time barred, hit by severe laches and hence dismissed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

msh/mrm

To

1. The Principal Secretary to Government,
Government of Tamil Nadu, Finance (PC) Department,
Secretariat, Chennai - 09.
2. The Commissioner of Indian Medicine
and Homeopathy, Arignar Anna Government (Hospital),
Indian Medicine, Arumbakkam, Chennai - 600 106.
3. The Superintendent,
Arignar Anna Government Hospital,
Indian Medicine, Chennai - 600 106.

+1cc to the Government Pleader, S.R.No.76511

W.P.No.25527 of 2019

KS(CO)
CS/31/10/2019