

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.04.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.31382 of 2018
and
W.M.P.No.36568 of 2018

Ankaleswari

.. Petitioner

..Vs..

- 1.The State of Tamil Nadu,
rep by its Secretary to Government,
Food Corporation and Consumer Protection Department,
Fort St.George,
Chennai - 9.
- 2.Tamil Nadu Civil Supplies Corporation Limited,
Rep.by its Chairman cum Managing Director,
42, Thambuswamy Road,
Chennai - 10.
- 3.The Regional Manager,
Tamil Nadu Civil Supplies Corporation Limited,
Sivaganga Region,
Ramanthapuram District.

.. Respondents

PRAYER:- Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records in proceedings Proc.No.AE3/23706/2007 dated 05.04.2007 on the file of 2nd respondent and quash the same in so far as it has deprived the petitioners of their Medical Allowance, washing allowance, Tea and Dust allowances, Surrender of Earned Leave and Encashment of earned leave on death/retirement, Leave Travel Concession and appointment on compassionate ground in case of an employee who dies while in service and consequently restore the benefits with all attendant benefits including pay parity from the date of regularization.

For Petitioner : Mr.G.Rajan

For Respondent : Mr.L.P.Shanmuga Sundaram
Special Government Pleader

O R D E R

The impugned order dated 05.04.2007, issued by the second respondent in respect of the regular time scale of pay and Godown Casual Labourers, whose service have been regularized on certain conditions is under challenge in the present writ petition.

2.At the outset, the present writ petition filed after a lapse of about 11 years from the date of passing of the impugned order and accordingly, the writ petition is liable to be rejected in limini on the ground of laches.

3.The learned counsel for the writ petitioner states that earlier some other similarly placed persons have filed W.P.No.10108 of 2008, challenging the very same order dated 05.04.2007, this Court allowed the writ petition on 11.03.2014. Thus, the writ petitioner has filed the present writ petition after the judgement of this Court. Even in that case, this Court allowed the writ petition on 11.03.2014 and the present writ petition is filed on 14.11.2018, after a lapse of four years. The writ petitioner has not pursued his remedy within a reasonable period of time. The writ petitioner has left over his legal rights and now he is knocking the doors of Court after 11 years from the date of passing of that order. The writ petitioner was sitting as a fence sitter and watching the judicial proceedings and only after a lapse of these many years, now he is attempting to get the same relief by filing the present writ petition.

4. The Courts cannot encourage such an attitude of the litigants in filing the writ petitions, after an order passed by the Courts, in respect of the other similarly placed persons. It is not as if, the writ petitioner can approach the Court after a lapse of 11 years from the date of passing of the impugned order stating that the other similarly placed persons got an order in favour of them.

5.This being the factum, the writ petition itself stands dismissed on the ground of laches. No costs. Consequently, connected miscellaneous petition is closed.
Pns

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The State of Tamil Nadu,
rep.by its Secretary to Government,
Food Corporation and Consumer Protection Department,
Fort St.George,
Chennai - 9.
2. Tamil Nadu Civil Supplies Corporation Limited,
Rep.by its Chairman cum Managing Director,
42, Thambuswamy Road,
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3. The Regional Manager,
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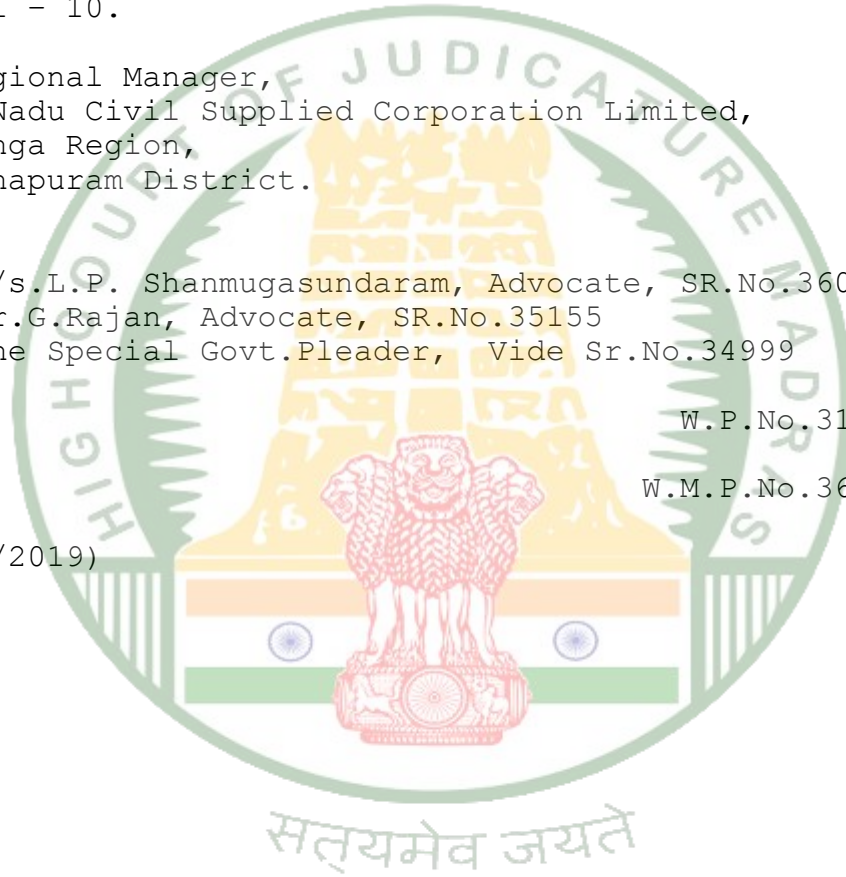
+1cc to M/s.L.P. Shanmugasundaram, Advocate, SR.No.36028/19

+1cc to Mr.G.Rajan, Advocate, SR.No.35155

+1cc to the Special Govt.Pleader, Vide Sr.No.34999

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and
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Kak (29/05/2019)



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