

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2019

C O R A M

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

Writ Petition No. 33237 of 2018

M.Narayanaswamy

... Petitioner

Vs.

The Chief Security Commissioner
Railway Protection Force
6th Floor, Moore Market Complex
Chennai - 600 003.

.... Respondent

PRAYER Petition filed under Article 226 of the
Constitution of India to issue a Writ of Mandamus,
directing the respondent to issue the service register to
the petitioner.

For Petitioner : Mr.S.V.Ramamurthy

For Respondent : Mr.P.T.Ramkumar
Standing Counsel [For Railways]

O R D E R

The relief sought for in the present writ petition is
to direct the respondent to issue the service register to
the petitioner to the writ petitioner.

2.The writ petitioner is aged about 80 years and
appointed as RPF Constable on 31.12.1961 and retired from
service on 31.03.1996 on attaining the age of
superannuation. Though the writ petitioner was allowed to
retire from service on 31.03.1996, he has not raised any
objection in respect of settlement of his terminal and
pensionary benefits. It is stated in the affidavit that he
has 19 and half years of qualified services and the writ
petitioner now claims that he is entitled for more
benefits. If the petitioner seeks any further benefits, the
same should be raised within a reasonable period of time.
Admittedly, the writ petitioner is retired from service on
31.03.1996 and the present writ petition is filed on
27.11.2018, after 22 years from the date of his retirement.

3.The learned Standing Counsel appearing on behalf of
the respondent, based on the instructions provided by the
Assistant Security Commissioner /Prosecution for Principal

Chief Security Commissioner, states that "the service record of Sri.M.Narayanasamy, Ex.Sub-Inspector/RPF/SIB/Chennai is not traceable, since the above employee has retired from service on superannuation long back. However, efforts are being continued to trace the said service record."

4.Further based on the oral instruction, it is submitted by the learned Standing Counsel for the respondent that the writ petitioner had not taken any action for the past 22 years and at this point of time, it is very difficult to trace out the service record of the writ petitioner and in the event of availability of the service record, the same would be communicated to the writ petitioner at the earliest point of time.

5.As far as the present writ petition is concerned, this Court is of the considered opinion that the writ petitioner is retired from service as early as 1996 and he has not raised any objection in respect of the settlement of terminal and pensionary benefits and now after a lapse of 22 years, the writ petitioner cannot seek a direction to the respondent to furnish the service record and thus, the claim of the writ petitioner is highly belated and the writ petitioner is slept over his right for more than two decades.

6.Thus, the writ petition stands dismissed on the ground of laches. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

may
To

The Chief Security Commissioner
Railway Protection Force
6th Floor, Moore Market Complex
Chennai - 600 003.

+1cc to Mr.S.V.Ramamurthy , Advocate SR.No. 30960
+1cc to Mr.P.T.Ramkumar , Advocate SR.No. 31716

W.P. No. 33237 of 2018

A.SK(29/04/2019)