



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.1174 of 2013

WEB COPY

A.Manthirammoorthy

... Petitioner

Vs.

1.The Secretary to Government,
Department of Labour and Employment,
Secretariat, Chennai.

2.The Commissioner of Labour,
D.M.S. Office Complex,
Teynampet, Chennai.

3.The Joint Commissioner of Labour,
TNHB Buildings 1st Floor,
Ellis Nagar, Madurai.

4.The Accountant General,
Teynampet, Anna Salai,
Chennai - 18.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to grant notional promotion to the petitioner as Labour Officer from the date of joining of the petitioner's immediate junior as Labour Officer with all consequential benefits.

For Petitioner : Mr.Arul Vadivel Alias Sekar
For Respondents 1 to 3 : Mr.K.Mu.Muthu
Additional Government Pleader
For Respondent No.4 : Mr.P.Gunasekaran
Standing Counsel

O R D E R

The relief sought for in the present writ petition is to direct the respondents to grant notional promotion to the petitioner as Labour Officer from the date of joining of the petitioner's immediate junior as Labour Officer with all consequential benefits.

2.The writ petitioner admittedly attained the age of superannuation on 30.12.2008 and allowed to retire from service. After a lapse of about 5 years from the date of retirement, the present writ petition is filed seeking a direction to grant notional promotion.

3.The service benefits including promotion are to be redressed by the employees concerned during the relevant point of time



whenever the cause arose. In other words, the grievances of the employees are to be redressed within a reasonable period of time. If at all, the benefit of promotion was denied to an employee, the affected persons must approach the competent authority as well as the Court of law within a reasonable period of time. The Government servants can never plead ignorance of law or rules. This being the factum, the writ petitioner ought to have approached the Court or competent authority within a reasonable time.

4.However, even at the time of filing of the writ petition, the writ petitioner was 62 years and now he would be 67 years. The writ petitioner was allowed to retire on 30.12.2008 and now he seeks retrospective promotion from the date of joining of the petitioner's immediate junior as Labour Officer when he was in service. Such stale claim cannot be entertained by this Court, more specifically under Article 226 of the Constitution of India. In view of the fact that the writ petitioner slept over his right, now he cannot knock the doors of this Court for the purpose of claiming retrospective promotion.

5.Accordingly, the writ petition stands dismissed on the ground of laches. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Secretary to Government,
Department of Labour and Employment,
Secretariat, Chennai.
- 2.The Commissioner of Labour,
D.M.S. Office Complex, Teynampet, Chennai.
- 3.The Joint Commissioner of Labour,
TNHB Buildings 1st Floor, Ellis Nagar, Madurai.
- 4.The Accountant General,
Teynampet, Anna Salai, Chennai - 18.

+1 CC to Mr.P.GUNASEKARAN, Advocate SR-79813.

+1 CC to SPL GP SR-79800.

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