



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2019

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.1250 of 2014

and

M.P (MD)No.1 of 2014

K.Lakshmanan

... Petitioner

Vs.

1.The Secretary to Government,
Home Department (Police),
Government of Tamil Nadu,
Fort St. George,
Chennai.

2.The Director General of Police,
Tamil Nadu,
Chennai-4.

3.The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli.

4.The Superintendent of Police,
Tuticorin District,
Tuticorin.

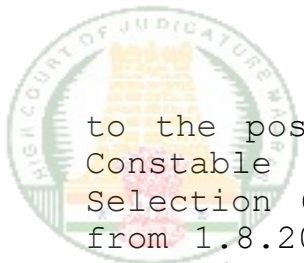
... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the fourth respondent's impugned order No.e.f.vz;.M.2/50589/2012, dated 21.12.2012 and quash the same as illegal and consequently direct the fourth respondent by promoting the petitioner as SSI from 09.02.2007 and ordered to pay arrears of payment and pension benefits.

For Petitioner : Mr.A.Prasanna Rajadurai
for Mr.S.Muthalraj
For Respondents : Mr.S.Dhayalan
Government Advocate

ORDER

The order impugned dated 21.12.2012 states that the writ petitioner joined as Grade II Police Constable on 12.02.1982. As per the Government Order, the writ petitioner was granted promotion



to the post of Nayak on 12.12.1992, then he was promoted as Head Constable on 3.11.1995 and thereafter, he was upgraded to the Selection Grade Head Constable post on 25.07.2000 and with effect from 1.8.2010 he was promoted to the post of Special Sub Inspector of Police. When the impugned order states that all the promotions were granted to the writ petitioner periodically, the Court asked a question to the learned counsel appearing for the petitioner that what is the grievance of the writ petitioner and for that, the learned counsel for the petitioner replied that the first promotion to the post of Nayak in the year 1992 was not given within the time and there was a delay in considering the case of the writ petitioner and all consequential promotions are to be reviewed. The cause of action arose for the writ petitioner in respect of the promotions granted on 12.12.1992. Now, the writ petitioner seeks retrospective promotion from the first level of promotion from the year 1992. When the cause of action arose longback during the year 1992, the writ petitioner ought to have pursued his remedy in the manner known to law. Contrarily, he cannot accept all subsequent promotion up to the level of Special Sub Inspector of Police and filed the present writ petition seeking retrospective promotion from the year 1992. Such stale claim cannot be entertained after a lapse of many years. Any public servant, on arising of any grievance, must approach the competent authority as well as the Court of law. Delay in approaching the court cannot be accepted as far as the public servants are concerned. Public servants can never plead ignorance of law or rules. Thus, they are bound to redress the remedy during appropriate time when the cause of action arose and the present writ petition is filed during the year 2014 cannot be entertained for the purpose of grant of retrospective promotion in the initial level of promotion from the year 1992.

2.This being the factum, the writ petitioner is not entitled for any relief and consequently, the writ petition stands dismissed on the ground of laches. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)

am



To

1.The Secretary to Government,
Home Department (Police),
Government of Tamil Nadu,
Fort St. George,
Chennai.

2.The Director General of Police,
Tamil Nadu,
Chennai-4.

3.The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli.

4.The Superintendent of Police,
Tuticorin District,
Tuticorin.

+1 CC to M/s.NA.PALANIYANDI, Advocate (SR-80921[F] dated 09/08/2019)

+1 CC to M/s.SPL GP (SR-81146[F] dated 09/08/2019)

W.P. (MD)No.1250 of 2014
08.08.2019

_KK/SAR/28.08.2019/3P-7C/