



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) .No.11768 of 2015

WEB COPY

N.Balakirshnan

... Petitioner

-Vs-

1.The Secretary,
Government of Tamil Nadu,
M.A and W.S.Department,
Fort St. George, Chennai.

2.The District Collector,
Madurai District.

3.The Commissioner,
Madurai Corporation Buildings,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant notional promotion to the petitioner with necessity monetary benefits with effect from 05.09.1987 and also grant advance increment from May 1979 till retirement.

For Petitioner : Mr.H.Lakshmi Shankar

For Respondents : Mr.K.Mu.Muthu
Additional Government Pleader
(for R-1 and R-2)

Mr.R.Murali (for R-3)

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents to grant notional promotion to the petitioner with monetary benefits with effect from 05.09.1987.

2. The writ petitioner was working as Junior Assistant in Madurai Municipal Corporation. The writ petitioner was placed under suspension on account of initiation of departmental disciplinary proceedings. A criminal case was also registered against the writ petitioner and finally the writ petitioner was acquitted from the criminal case. Based on these factors, the writ petitioner claims that he is entitled to get retrospective promotion on par with his junior. However, the fact remains that the writ petitioner was allowed to retire from service on 30.06.1995. However, the present writ petition is filed on 9th



July 2015 after a lapse of 20 years from the date of his retirement. Even at the time of filing of the writ petition, the petitioner was aged about 79 years. An employee, who has slept over his rights for long years, cannot wake up and knock the doors of the Court for the purpose of redressal of his grievances. Admittedly, the writ petitioner was allowed to retire from service during the year 1995 and the writ petition is filed during the year 2015 after a lapse of 20 years from the date of his retirement.

3.This being the factum, the Writ Petition stands dismissed on the ground of laches. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary,
Government of Tamil Nadu,
M.A and W.S.Department,
Fort St. George, Chennai.

2.The District Collector,
Madurai District.

+1 CC to SPL GP SR-74909.

+1 CC to M/s.H.LAKSHMI SHANKAR, Advocate SR-74833.

+1 CC to Mr.R,MURALI, Advocate SR-74636.

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CS(24.07.2019) 2P 6C