

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 06.06.2019****CORAM****THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM****W.P(MD) No. 15317 of 2013**

WEB COPY

S.T. Davidsingh

... Petitioner

Vs.

1. The Commissioner and Director,
Department of Employment and Training,
Guindy, Chennai - 600 032.
2. The Joint Director,
Commissionerate of Employment and Training,
Craftsmen Training, Guindy, Chennai.
3. The Government of Tamilnadu,
represented by its Secretary to Government,
Labour and Employment Department,
Fort Saint George,
Chennai - 600 009.
4. The Employees Provident Fund Organization,
Regional Office, No.37, Royapettah High Road,
Chennai - 600 014.
5. The Directorate of Pension,
No.259, Anna Salai, 3rd Block, 2nd Floor,
Teynampet, Chennai - 6.
6. The Principal,
Government Industrial Training Institute,
Veerakeralampudur and Post,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 6th respondent to consider the petitioner's representation, dated 04.10.2012 in Consonance with his proceedings in letter Na.Ka.No.6195/Pa Aa/2005, dated 04.10.2010 forwarded to the 1st respondent, within a time stipulated by this Court.

For Petitioner	: Mr.C.Jeya Indira Patel
For Respondents	: Mr.K.Mu.Muthu, AGP.,

O R D E R

The relief sought in the present writ petition is for a direction to the 6th respondent to consider the representation made by the writ petitioner on 04.10.2012, in consonance with the proceedings dated 04.10.2010 in Na.Ka.No.6195/Pa Aa/2005, forwarded to the 1st respondent.



2. The learned counsel appearing for the writ petitioner states that the writ petitioner is entitled for revision of pay in the promotional post. The grievance of the writ petitioner is that the scale of pay and the revision of pay as applicable as per pay Rules are not settled to the writ petitioner. In this regard, the writ petitioner made a representation. Peculiarly, though the writ petitioner was a public servant, slept over his right for several years and submitted a representation only on 04.10.2012. Even at the time of filing of the writ petition, the writ petitioner was aged about 76 years. Ignorance of law cannot be an excuse. This apart, a person who had slept over his right cannot wake up one fine morning and knock the doors of this Court for the redressal of his grievances. Such stale claims can never be entertained by this Court. However, the grievance is that the scale of pay as applicable has not been settled.

3. Under these circumstances, this Court is inclined to direct the respondents to verify the service records of the writ petitioner and ascertain the correctness of the scale of pay as well as the revision of pay and pension and disburse the same to the writ petitioner. Such an exercise shall be done as expeditiously as possible. In this regard, the writ petitioner is also at liberty to file fresh representation setting out the facts and details.

4. With these observations, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

Sub Assistant Registrar (CS)

To

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Guindy, Chennai - 600 032.
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Craftsmen Training, Guindy, Chennai.
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+1 CC to SPL GP (SR-67586[F] dated 10/06/2019)

W.P[MD)]No. 15317 of 2013
06.06.2019

ksa/mr

MK (27.06.2019) 3P 8C