

THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT APPEAL No.1325 of 2018

JUDGMENT: (Per the Hon'ble the Chief Justice Sri Thottathil B.Radhakrishnan)

This Writ Appeal is filed by the writ petitioner. He challenges the order of dismissal of the Writ Petition and the order of costs imposed on him.

2. The appellant was 74 years when he filed the Writ Petition. He was retired as Sub Treasury Officer. He came to this Court in 2018 complaining that his representations made at various stages during his career for fixation of his seniority in the category of Senior Accountant (Upper Division Accountant) has not been considered and that such non-consideration has deprived him of being pushed up the ladder in terms of pay scales. The fundamental grievance is that he would have been entitled to high retiral benefits had he been pushed up.

3. We have gone through the order of the learned single Judge, which concludes by saying that there is no ground at all to re-agitate an issue that has become stale. We also see that the duties and responsibilities last discharged by the appellant were as Sub Treasury Officer. He retired long before the institution of the Writ Petition. It is too stale a claim for the writ Court to push, if it were to direct consideration of representations relatable to a seniority issue or claim dating back to 1977. We do not see that the learned single Judge was

unjustified in exercising discretion and dismissing the Writ Petition.

4. Having regard to the nature of the contentions and taking into consideration the age of the writ petitioner at the time of institution of the Writ Petition, we take a lenient view and are inclined to vacate the order of costs as issued through the impugned order.

5. In the result, this Writ Appeal is allowed in part affirming the decision of the learned single Judge, however, vacating the order of payment of costs to the High Court Legal Services Authority.

The miscellaneous petitions pending in this appeal, if any, shall stand closed. There shall be no order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

A.RAJASHEKER REDDY, J

28.02.2019
vs