

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.3753 of 2020

P.V.Lakshmanan

Petitioner

vs.

1. Government of Tamil Nadu
Rep. by its Principal Secretary to Government,
Micro, Small and Medium Enterprises Dept.,
(Establishment Dept.,) Secretariat,
Chennai - 9.
2. The Principal Secretary /
Commissioner of Industries and Commerce,
Guindy,
Chennai - 600 032.
3. The Managing Director,
TANSI Corporation,
Thiru.-Vi-Ka Industrial Estate,
Guindy,
Chennai - 600 032.
4. The Principal Accountant General (A&E),
Tamil Nadu,
Chennai - 600 008.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent relating to his impugned order in Lr.Na.5666/Ser.1(2)/2018-8 dated 29.07.2019, quash the same and issue consequential directions to the respondents herein to grant pensionary benefits to the petitioner for his services rendered from 27.11.1972 to 03.05.1976 in the Department of Industries and Commerce and from 04.05.1976 to 30.06.1999 in the TANSI and disburse the arrears thereon with 18% interest.

For Petitioner : Mr.D.Baskar

For Respondents: Mr.V.Prabhu
Government Advocate for R1 to R3

O R D E R

This writ petition has been filed challenging the proceedings of the 1st respondent dated 29.07.2019 and for a consequential direction to grant pensionary benefits to the petitioner for the services rendered by him from the year 1972 to 1976 and from 1976 to 1999 and to disburse the arrears.

2.The case of the petitioner is that he was appointed as Draughtsman in the year 1962 and he was sent on deputation to TANSI. The petitioner was absorbed at TANSI and he was re-designated as Senior Technical Officer in the year 1974. The petitioner availed voluntary retirement in the year 1991.

3.According to the petitioner, he totally rendered 28 years of service and he has not been granted pensionary benefits. The petitioner gave a representation to the respondents seeking for benefits and the same was rejected by the 1st respondent by the impugned order dated 29.07.2019. Aggrieved by the same, the present writ petition has been filed before this Court seeking for appropriate directions.

4.Heard Mr.D.Baskar, learned counsel appearing on behalf of the petitioner and Mr.V.Prabhu, learned Government Advocate appearing on behalf of the respondents 1 to 3.

5.It is seen from records that the petitioner had retired under Voluntary retirement scheme in the year 1991. The petitioner had requested for pension and the name of the petitioner was deleted from the list of persons who are entitled to claim for pension by proceedings dated 31.12.2009. This proceedings was not challenged by the petitioner and it has become final. The petitioner, having remained silent for a long period of time, kept making representations to the respondents. The 1st respondent by his proceedings dated 29.07.2019 has rejected the claim made by the petitioner on the ground that the petitioner cannot rely upon the orders passed in favor of one V.Ramachandran, who had approached this Court in the year 2011 and an order that was passed in the year 2012.

6.This Court does not find any ground to interfere with the order passed by the 1st respondent. The petitioner not having challenged the letter of the 2nd respondent dated 31.12.2009, cannot be permitted to take advantage of an order passed by this Court in favour of some other persons in the year 2012. The petitioner, having not approached this Court at the appropriate time, cannot be allowed to take advantage of the order passed in favour of some other persons.

The claim made by the petitioner is clearly hit by laches and the 1st respondent was perfectly right in rejecting the claim made by the petitioner.

7. In the result, this writ petition stands dismissed. No Costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Principal Secretary to Government,
Micro, Small and Medium Enterprises Dept.,
(Establishment Dept.,) Secretariat, Chennai - 9.
2. The Principal Secretary /
Commissioner of Industries and Commerce,
Guindy, Chennai - 600 032.
3. The Managing Director,
TANSI Corporation,
Thiru.-Vi-Ka Industrial Estate,
Guindy, Chennai - 600 032.
4. The Principal Accountant General (A&E),
Tamil Nadu, Chennai - 600 008.

+1cc to Mr.D.Baskar, Advocate, S.R.No. 12987

+1cc to the Government Pleader, S.R.No.13591

W.P No.3753 of 2020

GP(CO)
GN(20/03/2020)

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