

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.02.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.4568 of 2020

V.Man i ...Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep.by the Secretary,
School Education Department,
Fort St. George, Chennai 600 009.
 2. The Director of School Education,
College Road, Nungambakkam,
Chennai 600 006.
 3. The Chief Educational Officer,
Coimbatore, Coimbatore District.
 4. The District Educational Officer,
Coimbatore, Coimbatore District.
 5. The Headmaster,
Sri.K.Krishnaswamy Naidu Memorial Hr.Sec.School,
Civil Acrodrome (Post),
Coimbatore - 14.
 6. The Correspondent/Principal,
Viswadeepthi Hr. Secondary school,
Pollachi, Coimbatore
- ...Respondents

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider and pass orders on the petitioner's representation dated 05.12.2019 with regard to count the earlier service rendered by the Petitioner in the recognised unaided schools for the revision of pension in the light of G.O.Ms.No.143 Education (V2) Department dated 30.01.1987.

For Petitioner : Mr.V.Thirupathi

For Respondents : Mrs.V.Annalakshmi,
Government Advocate
for R1 to R4.

O R D E R

This writ petition has been filed for the issue of writ of Mandamus directing the respondent to consider the representation made by the petitioner and to revise his pension, in the light of G.O.Ms.No.143, Education (V2) Department, dated 30.01.1987.

2. It is seen from records that the petitioner was working as a Secondary Grade Teacher and he submitted his resignation letter in the year 1986 and he was relieved from service with effect from 31.01.1986. According to the petitioner, the pension was fixed for the gross qualifying service period of 18 years and two months and according to the petitioner, the respondents have failed to consider the earlier service that was rendered from the year 1981 - 1986 for the purpose of calculation of pension. According to the petitioner, as per G.O.Ms.No.143, Education (V2) Department, dated 30.01.1987, the service that is rendered in recognized schools must be taken into account for fixation of pay and pension. The petitioner has made a representation in this regard to the respondents on 05.12.2019. Since the same has not been considered by the respondents, the present writ petition has been filed before this Court.

3. The learned counsel for the petitioner submitted that similarly placed person approached this Court and filed WP No.24691 of 2019 and this Court by an order dated 03.10.2019 had directed the respondent to consider the representation. Therefore, the learned counsel for the petitioner submitted that a similar relief can be granted to the petitioner.

4. In the considered view of this Court, the present writ petition is liable to be dismissed on the ground of laches. The petitioner was relieved from service in the year 1986. The petitioner for the first time makes a representation in the year 2019, after nearly 35 years. In the order that has been relied upon by the learned counsel for the petitioner, the representation was given by the concerned petitioner in the year 2013, which was not disposed of and therefore, this Court directed the representation to be disposed of. That order will not come to the aid of the petitioner, since the petitioner has

slept over his right for more than 35 years and given representation for the first time in the year 2019. There is absolutely no explanation for this inordinate delay. No useful purpose will be served by directing the respondents to consider the representation made by the petitioner. Therefore, this Court is not inclined to entertain this writ petition and accordingly, the same stands dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary,
Government of Tamil Nadu,
School Education Department,
Fort St. George, Chennai 600 009.
2. The Director of School Education,
College Road, Nungambakkam,
Chennai 600 006.
3. The Chief Educational Officer,
Coimbatore, Coimbatore District.
4. The District Educational Officer,
Coimbatore, Coimbatore District.

+1cc to Mr.V.Thirupathi, Advocate Sr.16154
+1cc to the Government Pleader Sr.16707

WEB COPY

W.P.No.4568 of 2020

sv[co]
srg 21/07/2020