

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:11.03.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.5946 of 2020

N.Kittu

... Petitioner

Vs.

1.The Secretary to Government,
Highways Department,
Secretariat,
Chennai.

2.The Chief Engineer (General),
Highways Department,
Chepauk,
Chennai.

3.The Director General,
Highways Department,
Guindy,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the respondents to give seniority from 23.2.1987 onwards as "Second Grade" and settle the arrears of pay with all benefits on the basis of the representation given by the petitioner on 23.12.2019.

For Petitioner : Mr.D.Rajagopal

For Respondents : Mr.M.D.Ilayaraja
Government Advocate

O R D E R

The prayer in the writ petition is to direct the respondents to give seniority from 23.02.1987 onwards as "Second Grade" and settle the arrears of pay with all benefits on the basis of the representation given by the petitioner on 23.12.2019.

2.The petitioner is around 66 years old and he was employed in the High Ways Department, originally being appointed in the year 1978. The grievance of the petitioner is that proper seniority was not assigned to him from 23.02.1987 onwards in "Second grade" and consequent loss of seniority in other grades. On attaining age of superannuation, the petitioner retired from service on 31.08.2011.

3.Seeking re-fixation to his seniority from 1987 and consequential benefits to be granted to him, the petitioner has approached this Court in the year 2020. This Court is unable to appreciate as to what is the basis of the petitioner to claim revision of seniority from the year 1987. After going through the contents of the affidavit filed in support of the writ petition, this Court does not see any acceptable claim made out by the petitioner for entertaining the writ petition. No details have been spelt out as to how proper seniority was denied to him and why the petitioner is casually and leisurely approaching this Court in the year 2020. Such claim after a lapse of 33 years is clearly barred by inordinate latches and this kind of writ petitions need not be entertained at all as speculative litigation.

4.Therefore, this Court is of the considered view that the writ petition is not maintainable after a period of so many years and no case is also made out on merits for grant of any relief for the petitioner. Hence, the writ petition stands dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar (CS-III-MDU)

//True Copy//

Sub Assistant Registrar

rm

To

1.The Secretary to Government,
Highways Department,
Secretariat,
Chennai.

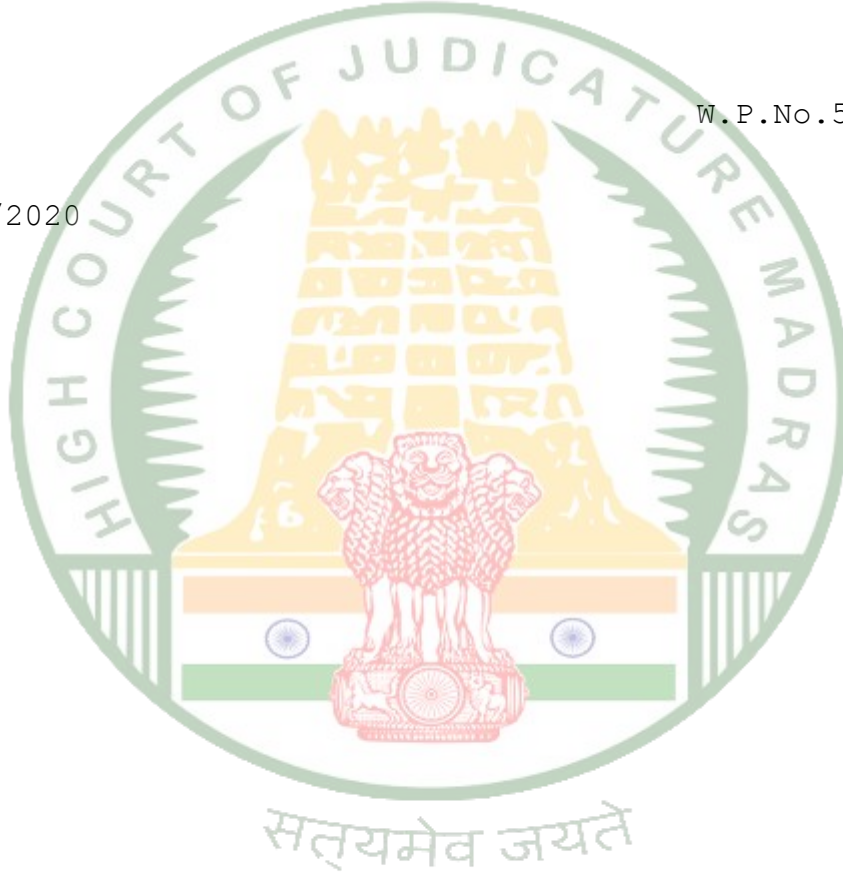
2.The Chief Engineer (General),
Highways Department,
Chepauk,
Chennai.

3.The Director General,
Highways Department,
Guindy,
Chennai.

+1cc to Mr.D.Rajagopal, Advocate Sr.20918

W.P.No.5946 of 2020

ssi[co]
srg 03/06/2020



WEB COPY