

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.11.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.6952 of 2013

Velusamy

... Petitioner

-vs -

1. The State of Tamil Nadu,
Represented by the Chief Secretary,
Fort. St. George,
Chennai - 600 009.

2. The State of Tamil Nadu,
Represented by its Secretary,
Revenue and Administration,
Fort St. George, Chennai - 600 009.

3. The District Collector of Thanjavur,
Thanjavur. Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 1st respondent to regularize the petitioner's services and recognise petitioner's services with effect from 11.08.1982 and confer all monetary and other benefits petitioner is entitled to and disburse the same to the petitioner.

For Petitioner : Mr.G.R.Lakshmanan

For Respondents : Mr.S.Thangavel,
Spl. Govt. Pleader

ORDER

(This case has been heard through video conference)

The relief sought for in this writ petition is for a direction to the 1st respondent to regularize and recognise petitioner's service with effect from 11.08.1982 and confer all monetary and other benefits due to him.

2. It is the case of the petitioner that, he was appointed as Village Administrative Officer in Kumaramangalam village and thereby, he reported before the Tahsildar, Kumbakonam to assume his post. However, due to non submission of declaration, the said authority refused the petitioner to assume the post. Later, he came to know that owing to some previous charges against him in the post of part-time Village Administrative Officer, the said refusal was made. Further,

it is averred in the petition that the aforesaid selection / appointment was conducted by State Level Screening Committee as early as 1982, based on the directions of the Hon'ble Supreme Court. It is therefore the averment of the petitioner that his services has to be reckoned from 11.08.1972. Subsequently, he was appointed as temporary Village Administrative Officer, Chandrashekarapuram as per the order of the Tribunal and he retired from service in the same post at Thiruvidadaimaruthur, Thanjavur on 28.02.2010. Thereafter, he filed the present writ petition seeking direction to the respondents for regularisation of his services from 11.08.1982 conferring all monetary benefits.

3. The learned counsel for the petitioner submits that the appointment order dated 8.8.1982 was issued to the petitioner as per the directions of the Hon'ble Supreme Court on the basis of undertaking given by the respondents. However, contrary to the said undertaking, the respondents have not permitted the petitioner to assume the said post due to non-furnishing of requisite declaration. Hence, the petitioner approached the Tribunal and subsequently, he was appointed on 19.07.1992 and retired from service on 28.02.2010 as Village Administrative Officer. It is therefore submitted that the mistake on the part of the respondents in not allowing the petitioner to join the service in the year 1982, cannot be put against the petitioner and his service has to be regularised from the year 1982. Accordingly, he prays before this Court for an appropriate relief to the petitioner.

4. Per contra, learned counsel appearing for the respondents reiterating the submissions given in the counter affidavit submits that failure on the part of the petitioner in submission of the requisite declaration lead to the disqualification of his appointment earlier. Subsequently, as per the directions of the Tribunal, he was appointed as Village Administrative Officer and his services were regularised and on attaining the age of superannuation on 28.2.2010, his terminal benefits were also settled. That being so, after a lapse of three years from the date of his retirement, he filed this writ petition for regularisation from 11.08.1982, which request deserves to be dismissed due to laches on the part of the petitioner. The petitioner has not approached this Court at the earliest point of time and, therefore, the said lacunae cannot be put against the respondents to claim the relief of regularisation. Accordingly, he prays for dismissal of the writ petition.

5. This Court gave its anxious consideration to the submissions advanced by the learned counsel on either side and perused the materials placed on record.

6. Admittedly, the petitioner was appointed as Village Administrative Officer and at the time of verification of his service register, it revealed that minimal punishment

was awarded to the petitioner for non reporting the illicit cutting of Karuvai in Manjamalli village on 11.07.78. Moreover, it is clear that the petitioner failed to furnish the requisite declaration to the respondents, which resulted in disqualification of his appointment. If the petitioner was really aggrieved over the date of regularisation of his services, he ought to have filed petition seeking the said relief prior to his superannuation and having slept over the matter for more than three years after attaining the age of superannuation, knocking the doors of this Court belatedly to grant relief of regularisation is wholly unjustified and impermissible.

7. For the reasons aforesaid, this Court is of the view that delay and laches on the part of the petitioner disentitles him to the relief sought for. Accordingly, the relief sought for in this writ petition for regularisation of his services from 11.08.1982 that too after his retirement cannot be granted.

8. For the aforesaid reasons, there is no merit in this Writ Petition and, accordingly, the same is dismissed. No costs.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Secretary,
The State of Tamil Nadu,
Fort. St. George,
Chennai - 600 009.

2. The Secretary,
The State of Tamil Nadu,
Revenue and Administration,
Fort St. George, Chennai - 600 009.

3. The District Collector of Thanjavur,
Thanjavur.

+1cc to the Government Pleader SR.NO.35655

+2cc M/s.G.R.Lakshmanan Advocate SR.NO.35873

W.P. No.6952 of 2013

PPA CO
SDR 14/12/2020