

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.05.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE DR. JUSTICE ANITA SUMANTH

WP.No.7674 of 2020

V.Yamuna Devi ..Petitioner/Party-in-Person
Versus

- 1.The Cheif Secretary,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai 600 009.
 - 2.The Secretary to the Government,
Personnel and Administrative Department,
Government of Tamil Nadu,
Secretariat, Fort.St.George,
Chennai 600 009.
 - 3.The Additional Chief Secretary,
Finance Department,
Government of Tamil Nadu,
Secretariat, Fort St.George, Chennai 600 009.
 - 4.The Additional Chief Secretary,
Labour and Employment Department,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai 600 009.
- ...Respondents

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus to call for the records of the 1st and 2nd respondents issued in G.O.(Ms.) No.51, of Personnel and Administrative Reforms Department, Dated 07.05.2020 and quash the same and direct the respondents to follow the established

procedures already laid down in the Tamil nadu Fundamental rules respecting the Superannuation of the employees of the Tamil Nadu Government and for all consequential benefits arising thereof.

For Petitioner : Ms.V.Yamuna Party-in-Person
For Respondents: Mr.V.Jayaprakash Narayan, GP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

- (1)The writ petition is filed by a practicing Advocate, aggrieved by the impugned Government Order, in and by which, the age of retirement of the Government servants and others, have been increased from 58 years to 59 years.
- (2)Ms.V.Yamunadevi, petitioner / party-in-person, who is also a practicing Lawyer, would submit that on account of increase in the age of retirement, the promotion would get stalled and there are very many unemployed persons waiting on the roads to get public/Government employment and their chances would also get affected for the reason that there is not corresponding increase in age and would further add that the concerned Fundamental Rules [FR] have also not been amended and in this regard, a detailed representation has also been submitted to the respondents and prays for appropriate orders.
- (3)This Court has carefully considered the submissions made by the petitioner / party-in-person and Mr.V.Jayaprakash Narayan, learned Government Pleader accepting notice on behalf of the respondents and also perused the materials placed before it.
- (4)The Hon'ble Supreme Court of India in the decision reported in 1998 [7] SCC 273 [Dr.Duryodhan Sahu and Others V. Jitendra Kumar Mishra and Others] has considered the issue relating to the locus standi of a person to file a Public Interest Litigation in a service matter and in paragraph No.18, it is observed as follows:-''We have already seen that the word "order" has been defined in the explanation to sub-section (1) of Section 19 so that all matters referred to in Section 3(q) as service matters could be brought before the Tribunal. If in that context Sections 14 and 15 are read, there is no doubt that a total stranger to the service concerned cannot make an application before the Tribunal. If public interest litigations at the instance of strangers are allowed to be entertained by the Tribunal, the very object of speedy disposal of service matters would get defeated.''
- (5)he said judgment has also been considered in the subsequent

decisions reported in 2004 [3] SCC 363 [Dr.B.Singh Vs. Union of India and Others] as well as in 2014 [1] SCC 161 [Central Electricity Supply Utility of Odisha and another V. Dhobei Sahoo and others] and the said proposition has once again been reiterated.

- (6)The petitioner / party-in-person, admittedly is a practicing lawyer and she is not one of the persons aggrieved on account of the increase of the retirement age through the impugned Government Order. It is also to be noted at this juncture that the original age of retirement of the State Government servants was 55 years and it was increased to 58 years and now it has been increased to 59 years. Similarly, the age of retirement of the Central Government servants was originally at 58 years and it was increased to 60 years.
- (7)The primordial grievance expressed by the petitioner / party-in-person also appears to be that there may be stagnation in promotion. In the considered opinion of the Court, the said submission is liable to be rejected for the reason that promotion is normally by merit-cum-seniority and even for the sake of argument, there may be lack of promotional opportunities, the Assured Career Progressions [ACPs] would take care of it.
- (8)Since the person cannot be termed as an aggrieved individual, the writ petition, styled as a Public Interest Litigation, is not maintainable and deserves dismissal.
- (9)Accordingly, the writ petition stands dismissed. However, if the concerned individual is aggrieved by the said Government Order, he/she is always at liberty to work out his/her remedy before the competent Forum in accordance with law. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP
To

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

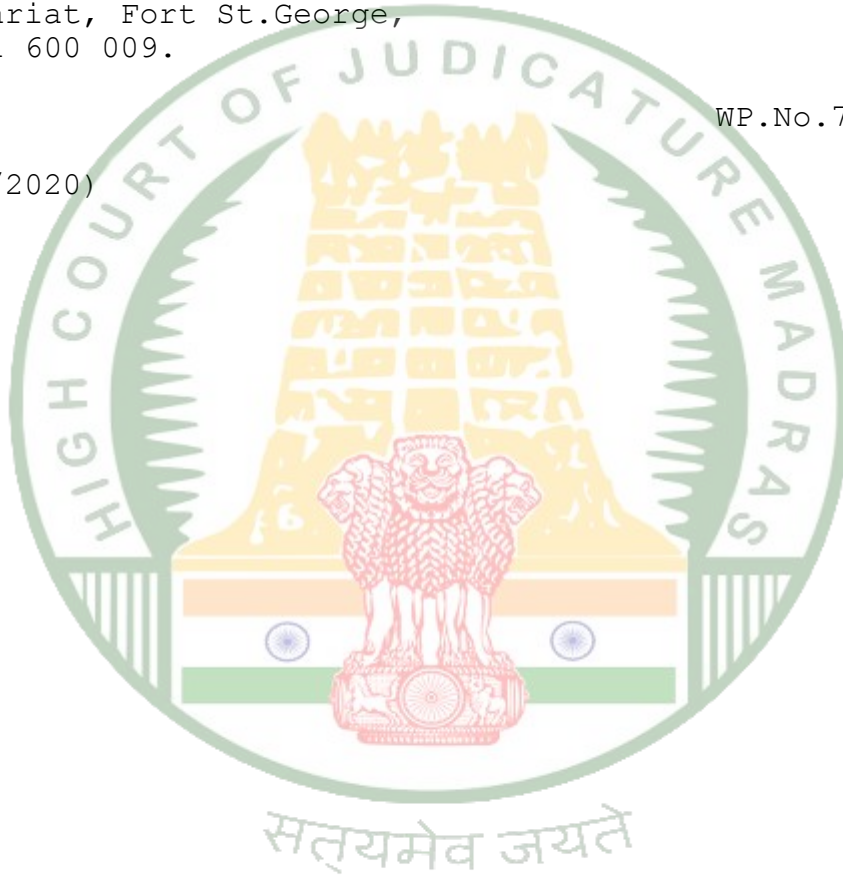
2.The Secretary to the Government,
Personnel and Administrative Department,
Government of Tamil Nadu,
Secretariat, Fort.St.George, Chennai 600 009.

3.The Additional Chief Secretary,
Finance Department, Government of Tamil Nadu,
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BR(CO)
RMP(17/07/2020)



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