

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.NO.14248 OF 2020

P.Chinnappan

... Petitioner

Vs.

1. The Joint Director,
School Education,
School Education Directorate,
Chennai - 6.

2. The Chief Educational Officer,
Salem, Salem District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for records relating to order passed by the 1st respondent in proceeding Na.Ka.No.028329/A3/E2/2017 dated 16.02.2018, quash the same and consequently direct the respondents to include the petitioner's name in the combined seniority list of respective cadres and grant notional promotion.

For Petitioner : Mr.M.Elango

For Respondents : Mr.P.Raja
Government Advocate

ORDER

The petitioner is 72 years old and his grievance is that he was originally appointed as Record Room Writer on 06.08.1969 and was promoted on 31.07.1976 as Junior Assistant and was further promoted as Assistant on 18.01.1994. On 17.02.2002, he was promoted as Superintendent and retired from service on 31.07.2003.

2.The grievance of the petitioner is that he was promoted as Junior Assistant on 31.07.1976, due to want of vacancy he was reverted as Record Room Writer and was again promoted as Junior Assistant on 31.03.1979. But his seniority was not properly

assigned in the post of Junior Assistant and in this regard he referred to a decision of the Hon'ble Supreme Court of India in C.A.Nos.5164 to 5166 of 1990 dated 28.04.1998. According to him, that his Juniors were promoted ahead of him and granted higher Seniority list.

3.From the above narrative, it is clear that the petitioner wants to agitate his right claiming refixation of seniority from the position of Junior Assistant relating to the period of his posting in 1976.

4.The dispute as projected in the writ petition is 44 years old and by no stretch of legal standard, such stale claim could be entertained. The petitioner having retired from service 17 years before and has chosen to approach this Court so casually and leisurely seeking to agitate his rights. This Court, in the circumstances finds that the claim of the petitioner is hopelessly time barred and cannot be entertained even for a second. These kind of litigations must be rejected outright as being completely speculative in nature and this Court cannot be cluttered with such sub-standard and stale claims affecting the focus of this Court to engage itself in issues that are alive and important for its consideration.

5.With this above circumstances, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

pns/mrm

To

1. The Joint Director,
School Education, School Education Directorate,
Chennai - 6.
2. The Chief Educational Officer, Salem, Salem District.

+1cc to Mr.M.Elango, Advocate, S.R.No.33680
+1cc to the Government Pleader, S.R.No.33884

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MG(CO)
CS/29/10/2020