

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE **V.PARTHIBAN**

W.P.No.18485 of 2020

N.Subramaniam

...

Petitioner

Vs

1. Union of India,
rep. by its Secretary,
Department of Finance,
Central Secretariat, New Delhi.

2.Accountant General's Office,
Teynampet,
Chennai.

3.The Additional Director,
Crime Branch, Egmore,
Chennai-08

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to return the wrongly recovered amount of Rs.34,791/- from petitioner's gratuity payment and to set right the pay anomaly and thereby step-up petitioner's pay scale on par with petitioner's Junior namely Ponnusamy and also to pay the additional increment which was withheld by the authorities after successful completion of the probation period from 31.10.2002 to 31.10.2004.

For Petitioner : Mr.R.Vijayan

For Respondents : Mr.V.Kathirvelu, Spl.GP for R3

ORDER

This Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents to return the wrongly recovered amount of Rs.34,791/- from petitioner's gratuity payment and to set right the pay anomaly and thereby step-up petitioner's pay scale on par with petitioner's Junior, namely, Ponnusamy and also to pay the additional increment which was withheld by the authorities after successful completion of the probation period from 31.10.2002 to 31.10.2004.

2.The grievance of the petitioner in this Writ Petition is that while he was working as Sub-Inspector of Police in the year 1992, his pay was found to be wrongly fixed and therefore, an excess payment of Rs.34,791/- has been recovered after his retirement. The petitioner claims to have retired from service on 31.01.2005. To claim back the recovered amount, the present Writ Petition is filed.

3. This Court is unable to appreciate as to how after 15 years, the Writ Petition could be filed with such a prayer. Nothing has been explained in the affidavit as to under what circumstances, a sum of Rs.34,791/- was recovered from the petitioner and what the petitioner has been doing all along for the last 15 years.

4. In the absence of any averments covering the period from 2005 to 2020, the present Writ Petition is liable to be dismissed in *limine* as being hit by severe laches. Such a stale claim can not to be entertained in these circumstances. The averments contained in the affidavit are extremely bald and no specific cause of action could be made out for the Writ to be entertained even for a second. Therefore, the Writ Petition is dismissed. No costs.

15.12.2020

Index : No
Internet : Yes

dn

WEB COPY

V.PARTHIBAN.J.,

dn

To

1. Union of India,
rep. by its Secretary,
Department of Finance,
Central Secretariat, New Delhi.

2.Accountant General's Office,
Teynampet,
Chennai.

3.The Additional Director,
Crime Branch, Egmore,
Chennai-08



सत्यमेव जयते

W.P.No.18485 of 2020

WEB COPY