



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.1236 of 2013

WEB COPY

C.Arunachalam

... Petitioner

Vs.

1.The Secretary to Government,
Department of School Education,
Chennai - 600 009.

2.The Secretary to Government,
Department of Finance,
Chennai - 600 009.

3.The Director of Elementary Education,
College Road,
Nungambakkam,
Chennai - 600 006.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to extend the benefits of G.O.Ms.No.210, dated 14.08.2009 in the light of G.O.Ms.No.146, School Education Department, dated 19.06.2012.

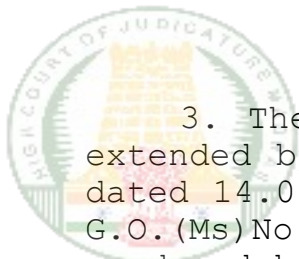
For Petitioner : Mr.S.S.Thesigan

For Respondents : Ms.S.Srimathy
Spl.Govt.Pleader

O R D E R

The relief sought for in the present writ petition is to direct the respondent to extend the benefits of G.O.(Ms)No.210, Education Department, dated 14.08.2009, in the light of G.O.(Ms)No.146, School Education Department, dated 19.06.2012.

2. The writ petitioner was initially appointed as Assistant Teacher in Panchayat Union Middle School and promoted as Elementary School Headmaster. He was further promoted to the post of Middle School Headmaster and subsequently. Assistant Elementary Educational Officer and retired from service on attaining the age of superannuation on 31.05.2002.



3. The grievances of the writ petitioner is that the benefits extended by the Government in G.O.(Ms)No.210, Education Department, dated 14.08.2009, has not been granted. Government Order issued in G.O.(Ms)No.210, dated 14.08.2009 stipulates that the services rendered by a Teacher in the post of Secondary Grade Teacher, prior to 01.06.1988 is to be calculated for the purpose of award of selection grade and special grade. The said benefits granted by the Government in the said G.O.(Ms)No.210, is not extended to the writ petitioner.

4. This Court is of the considered opinion that in order to extend certain benefits of the Government Order, the service particulars, eligibility and the terms and conditions stipulates in the Government Orders are to be considered and accordingly, the authorities have taken a decision in this regard.

5. It is not as if the Court can pass an order to extend the benefits without verifying the service records of the individual concerned. Such an exercise is to be done by the competent authorities and the petitioner being the pensioner now, the Director of Elementary Education has to scrutinize the service records and take a decision in this regard.

6. However, considering the facts of the case, the writ petitioner is aged about 64 years even at the time of filing the writ petition and now he would be around 71 years, this Court is of the considered opinion that the petitioner approached this Court belatedly and more specifically after five years from the date of his retirement. Such a stale claim cannot be entertained in a routine manner. The public servant are expected to redress their grievances within a reasonable period of time. Once the rights to claim are allowed to be lapsed, then thereafter, they cannot wake up and approach the Court for redressal of their grievances. The writ petitioner was working as an Assistant Elementary Educational Officer and he was retired from service. He filed the writ petition only in the year 2013, after a lapse of about 11 years from the date of his retirement. This being the factum, the claim of the writ petitioner cannot be considered and accordingly, the writ petition stands dismissed on the ground of laches. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1. The Secretary to Government,
Department of School Education,
Chennai - 600 009.
2. The Secretary to Government,
Department of Finance,
Chennai - 600 009.
3. The Director of Elementary Education,
College Road,
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VB (22.10.2020) 3P 4C