



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.10652 of 2014

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B.Arumainathan

... Petitioner

Vs

1.The State of Tamil Nadu,
Represented by the Secretary to Government,
Education Department, Fort St.George,
Chennai-9.

2.The Director of School Education,
College Road, Nungambakkam,
Chennai-6.

3.The Joint Director of School Education
(Personnel), Office of the Director of
School Education, College Road,
Nungambakkam, Chennai-6.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the third respondent to give notional promotion with retrospective effect from 01.11.1971 as Assistant and further promotion as Superintendent with retrospective effect from 02.06.1979 and further promotion as P.A. To DEO on and from 08.12.1988 on par with the petitioner's immediate Junior K.Brahmanayagam and to give notional promotion to the petitioner and consequently pay all the retirement benefits within the time stipulated by this Court.

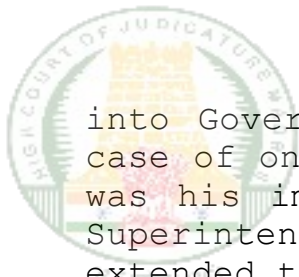
For Petitioner : Mr.V.Chandrasekar

For Respondents : Mr.S.Srimathy
Special Government Pleader

ORDER

The petitioner even at the time of filing of the writ petition was aged about 71 years. The relief sought for in the present writ petition is that to direct the third respondent to give notional promotion with retrospective effect from 01.11.1971 as Assistant and further to the post of Superintendent with retrospective effect from 02.06.1979 and to the post of Personal Assistant to the DEO with effect from 08.12.1988 on par with his junior, Mr.K.Brahmanayagam.

2. The petitioner was appointed as Junior Assistant on 29.08.1962 as non-teaching staff. He was subsequently absorbed



into Government service with effect from 01.04.1970. Citing the case of one Mr.K.Brahmanayagam, the writ petitioner claims that he was his immediate junior and was promoted to the higher post of Superintendent and therefore, the very same benefit has to be extended to him.

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3. Interestingly, the writ petitioner reached the age of superannuation on 31.05.2000 and retired from service. The writ petition is filed on 30.06.2014 after a lapse of 14 years from the date of retirement. The relief sought in the writ petition is to grant retrospective promotion in the post of Assistant with effect from 01.11.1971 and to the post of Superintendent from 02.06.1979 and Personal Assistant to DEO from 08.12.1988. Thus, the writ petition is not only belated, but the writ petitioner has slept over his right, if at all existed.

4. The Government Employees are expected to redress their grievances in accordance with law within the reasonable period of time. Even at the time of filing of the writ petition, the petitioner was aged about 71 years and now he would be around 78 years. The relief also relates to retrospective promotion during the year 1971. Even the service records of the writ petitioner cannot be traceable by the departmental officials at this length of time. There is no scope for adjudication of issues at this time and more specifically that at this length of time, the writ petition cannot be entertained by the this Court. The petitioner cannot wake up after a long period and knock the doors of the Courts for redressal. Thus, the writ petition deserves no merits consideration and accordingly, this writ petition stands dismissed on the ground of laches. There shall be no order as to costs.

Sd/-

Assistant Registrar ()

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Sub Assistant Registrar(CS)

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Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Secretary to Government, State of Tamil Nadu,
Education Department, Fort St.George,
Chennai-9.

2.The Director of School Education,
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3.The Joint Director of School Education
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