



WEB COPY

W.P(MD).No.III13 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.11113 of 2014

and

MP (MD) No.2 of 2014

S.Ganesan

... Petitioner

-Vs-

1.The District Collector,
District Collectorate Campus,
Tirunelveli District.

2.The Director of Panchayatas,
Kuralagam, Chennai-108.

3.The Assistant Director of Municipality,
Tirunelveli Region,
Tirunelveli District.

4.The Executive Officer,
Special Grade Town Panchayat,
Sivagiri, Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent issued in his Na.Ka.No.960/2005/Pa2, dated 31.03.2005 reverting me to the post of night watchman from the post of office assistant by way of transfer order and quash the same and further direct the respondents to post the petitioner as Office Assistant w.e.f. 31.03.2005 (i.e., from the date of transfer order) and to grant all monetary benefits including revision of pay, selection grade and special grade as well as to pay subsistence allowance for the suspension period (i.e) from 14.11.2007 to 05.11.2008 and to protecting all my service and monetary benefits from 31.03.2005 (i.e) the date of petitioners representation as Night Watchman.

For Petitioner : Mr.A.Thirumurthy
for M/s.Victory Associates

For Respondents : Mr.P.Mahendran
Additional Government Pleader



ORDER

The learned Additional Government Pleader appearing on behalf of the respondents brought to the notice of this Court that the writ petitioner, Mr.S.Ganesan died on 12.07.2017. The learned Additional Government Pleader also submitted a copy of the death certificate.

2.The relief sought for in the present writ petition is questioning the order of reversion made with effect from 31.03.2005 states that he was transferred to the vacant post of Night Watchman and accordingly, relieved from the post of Office Assistant. When the order of transfer is under challenge and the writ petitioner passed away on 12.07.2017, no further relief is to be granted.

3.Even on merits, the impugned order of transfer transferring the writ petitioner for the post of Office Assistant to Night Watchman was passed in proceeding, dated 31.03.2005 by the District Collector, Tirunelveli. The writ petition itself was filed on 07.07.2014, after a lapse of about nine years from the date of passing of the impugned order. The impugned order being a transfer to the post of Watchman was challenged by the writ petitioner after a lapse of nine years.

4.This Court is of the opinion that the writ petition itself is liable to be dismissed on the ground of laches. Accordingly, the writ petition is not maintainable and liable to be dismissed on the ground of laches. Further, the writ petitioner also died and with reference to any other grievances, the legal heirs of the writ petitioner are at liberty to approach the competent authorities for redressal.

5.Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj



- 1.The District Collector,
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Tirunelveli District.
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+1 CC to M/s.GP (SR-21133[F] dated 04/11/2020)

W.P. (MD) .No.11113 of 2014
02.11.2020

PK(CO)
TR(10.11.2020) 3P 6C