



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2020

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM**

W.P. (MD) No.14323 of 2014

V.Rathina Velu

... Petitioner

Vs.

1.The Principal Secretary to Government,
Government of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai - 9.

2.The Commissioner of Rural Development and Panchayat Raj,
Panagal Building,
Chennai - 15.

3.The District Collector,
Trichy District,
Trichy.

4.The Block Development Officer,
Panchayat Union,
Manaparai
Trichy District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent in Na.Ka.Tha.7/8152/2012, dated 18.04.2013 and quash the same and consequently directing the respondents to promote the petitioner notionally as Road Inspector Grade-I with all consequential benefit.

For Petitioner : Mr.S.Anwar Sameem

For Respondents : Mr.P.Mahendran
Addl.Govt.Pleader

**ORDER**

The order dated 18.04.2013, passed by the 3rd respondent, providing information to the writ petitioner that the Government Order issued by the Government in G.O.Ms.No.856, Public Works Department, dated 01.06.1977, is not applicable to the writ petitioner and G.O.Ms.No.163 RD(E1) Department, dated 04.07.2001 alone is applicable to the writ petitioner.

2. The grievances of the writ petitioner is that he is entitled for the benefit of G.O.Ms.No.856, Public Works Department, dated 01.06.1977, wherein the Government granted certain benefits for promotion to the post of Road Inspector Grade-I. As per the said Government Order, on completion of five years of services in the post of Road Inspector Grade-II, the benefit of promotion to the post of Road Inspector Grade-I is to be granted to the employees.

3. In the present case, the writ petitioner was appointed on temporary basis on 01.03.1975 and subsequently promoted as regular Road Inspector Grade-II, with effect from 26.10.1994. Thus, he is entitled to be promoted to the post of Road Inspector Grade-I, on completion of five years of services, in the post of Road Inspector Grade-II.

4. This Court is of the considered opinion that the petitioner was regularly promoted to the post of Road Inspector Grade-II on 26.10.1994. The five years of service was completed by the writ petitioner in the year 1999 itself. The said Government Order was issued on 01.06.1977. However, the petitioner approached this Court after his retirement, during the year 2014. If at all the petitioner is aggrieved from and out of the inaction of the respondents in implementing G.O.Ms.No.856, Public Works Department, dated 01.06.1977, in favour of the writ petitioner, the petitioner ought to have approached the competent authorities and Court of Law during the year 1999, when the cause arose. However, he waited and continued as Grade II Road Inspector, till his date of retirement and at the age of 60 years, he approached the Court for the purpose of grant of promotion to the post of Road Inspector Grade-I. Thus, the claim is lapsed and the persons, who left over their rights cannot wake up one fine morning and knock the doors of the Court. The Government employees are expected to approach the Court to redress their grievances within a reasonable period of time. It is not as if they can get their appointments or promotional opportunity after attaining the age of superannuation. Some of the employees are allowing their claims to expire and after a long period of time they are approaching the court and the courts cannot encourage such attitude of the Government employees more specifically for the redressal of their grievances.



5. Service Rules are in force and if any grievances arise, the Government employees are expected to approach the authorities competent and thereafter, the Court of Law within a reasonable period of time. This being the principles to be followed the Writ petition stands dismissed on the ground of laches and even on merits, this Court is of the opinion that the applicability of the particular Government Order is not established. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

To

1. The Principal Secretary to Government,
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Rural Development and Panchayat Raj Department,
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 2. The Commissioner of Rural Development and Panchayat Raj,
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Trichy.
 4. The Block Development Officer,
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Manaparai
Trichy District.
- +1 CC to M/s. Special Govt. Pleader (SR-19904[F] dated 13/10/2020)

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MPK

SDS (21.10.2020) 3P-6C