



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2020

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.18530 of 2014

S.Kuppamuthu

... Petitioner

Vs.

- 1.The State of Tamilnadu,
Rep. by Secretary to Government,
Department of School Education,
Fort St.George,
Chennai-600 009.
- 2.The Director of School Education,
DPI Compound,
College Road,
Nungambakkam,
Chennai.
- 3.The Chief Educational Officer,
Thoothukudi District,
Thoothukudi.
- 4.The Chief Educational Officer,
Tirunelveli District,
Tirunleveli.
- 5.The Headmaster,
Government Girls Higher Secondary School,
Pullukattu Valasai,
Tirunelveli-627 814.

...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 in the impugned order Na.Ka.No.26556/C5/E5/2014, dated 12.07.2014 passed by the second respondent and quash the said order and direct the respondents 2 to 4 to correct the date of regularization of the petitioner's service as 04.07.1980 instead of 24.05.1986 in the post of Horticulture Instructor and pay all consequential monetary benefits including arrears of salary pension and accordingly, pay the revised pension.

For Petitioner : Mr.C.Dhanaseelan
For Respondents : Mrs.S.Srimathy
Special Government Pleader

ORDER

The relief of retrospective regularization is set out in the present writ petition.



2.The grievances of the writ petitioner are that his services were not regularised from the date of his initial appointment. Thus, he is entitled to be regularised with effect from the date, on which, he entered into service and accordingly, all consequential monetary benefits and arrears of salary is to be granted.

3.A perusal of the affidavit reveals that the petitioner retired from service in the year 2002. even at the time of filing of the writ petition, he was aged about 69 years. In order to restore the lapsed cause of action, the petitioner earlier filed W.P.(MD)No.3062 of 2014 and this Court directed the authorities to consider the representation. Consequently, the impugned order has been passed. The impugned order also states that the petitioner is not entitled for retrospective regularisation as there is no rule to grant such retrospective regularisation by restoring the cause of action, which was otherwise lapsed. The present writ petition is filed challenging the impugned order dated 12.07.2014.

4.In view of the fact that the petitioner retired from service in the year 2002 and first time, he made an attempt to get some benefit by filing the Writ Petition in W.P.(MD)No.3062 of 2014, this Court is of the considered opinion that there is an enormous delay in approaching the Court of law for redressal of the grievances. An employee, who slept over his right for long years, cannot wake up and knock the doors of the Court for seeking any relief. Courts cannot encourage such lapses or belated claims. The trend of getting such an order by not informing the Court about the pendency of the earlier writ petition is increasing. Once the writ petition is filed, the second writ petition cannot be entertained with the same prayer.

5.In view of the fact that the petitioner retired from service in the year 2002 and he seeks relief of retrospective regularisation from the date of his initial appointment, now, after a lapse of many years, the relief cannot be considered and accordingly, the writ petition stands dismissed on the ground of laches and on merits. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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



To

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

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

3.The Chief Educational Officer,
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Thoothukudi.

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Tirunelveli.

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+1 CC to M/s.GP (SR-23029[F] dated 26/11/2020)

W.P. (MD) No.18530 of 2014
23.11.2020

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