

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 03.11.2020

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.3305 of 2014**

WEB COPY

P.Sheik Abdul Kadir

... Petitioner

Vs.

1.The Secretary to the Government,
Tamil Nadu Government,
Co-operative, Food and Consumer
Protection Department,
Secretariat,
Chennai.

2.The Registrar of Co-operative Societies,
170, Periyar EVR High Road,
Kilpauk,
Chennai-10.

3.The Joint Registrar of Co-operative Societies,
Dharmapuri Region,
Dharmapuri.

... Respondents

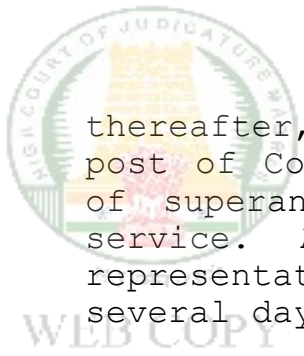
PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent's order in Rc.113571/2009 EM.1 dated 26.05.2011 and the consequent 1st respondent order in Letter No.1082/CH1/2012-11 dated 11.07.2013 and quash the same and consequently, direct the respondents to give Selection Grade to the petitioner's service in the Co-operative Sub Registrar by considering his 14 years service in the lower post of Senior Inspector from 17.09.1972 to 06.07.1976 as per the Government order in G.O.Ms.No.210 dated 11.03.1987.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader**ORDER**

The order dated 26.05.2011 passed by the second respondent and the consequential order passed by the first respondent in proceeding dated 11.07.2013 rejecting the claim of the writ petitioner for grant of Selection Grade in the post of Co-operative Sub-Registrar, is under challenge in the present writ petition.

2.Interestingly, the writ petition is filed by the writ petitioner at the age of 77 years. The relief sought for is to grant selection grade in the post of Co-operative Sub-Registrar. The petitioner was appointed as Junior Inspector on 01.06.1961 and



thereafter, he was promoted as Senior Inspector and finally to the post of Co-operative Sub-Registrar. The petitioner reached the age of superannuation in the year 1994 and allowed to retire from service. After his retirement, the petitioner submitted his representations to the respondents during the year 2009 and on several days.

3.The learned counsel appearing for the writ petitioner made a submission that the petitioner is going on submitting representations and the said representations are being rejected by the respondents 1 and 2 for grant of special grade. The reasons stated in the impugned order is that as per G.O.Ms.No.68, Personnel and Administrative Reforms(M) Department, dated 23.01.1986 and in the Government Letter dated 26.09.1997 it was clarified that "the services rendered in the Selection Grade / Special Grade including erstwhile temporary post in the pre-revised scale of pay of the lower post shall be counted for awarding Selection Grade in the higher post provided that the scale of pay of Selection Grade/Special Grade/Special Temporary post of the lower post are identical or higher than the Ordinary Grade of the Higher Post."

4.This Court is of the considered opinion that beyond the merit of the case, which is belated, the writ petition itself is liable to be dismissed on the ground of laches. The writ petitioner has slept over his right and filed the writ petition at the age of 77 years. The claim set out in the writ petition is for grant of Special Grade. The writ petitioner was allowed to retire from service in the year 1994 and the impugned orders are passed in the year 2011-2013. The impugned order refers to the representation of the writ petitioner, which was submitted in the year 2009 - 2012. Thus, the writ petitioner himself initiated action to redress his grievances in the year 2009 for the first time, after a lapse of about 15 years from the date of retirement.

5.Thus, the petitioner is not entitled for any relief as he has initiated action belatedly and the relief of Selection Grade and Special Grade is to be granted only if the petitioner has approached the authorities as well as the Court within a reasonable period of time. In the present case, the petitioner would be around 83 years old, the claim regarding Special Grade with effect from the year 1992 cannot be granted at this length of time. This being the factum, the writ petitioner has not established any acceptable grounds. Thus, the writ petition stands dismissed on the ground of laches and on merits.

Sd/-

Assistant Registrar (P&A)

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