



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.6296 of 2014

M.Mohammed Hussian

... Petitioner

-Vs-

1.The Principal Internal Audit Officer,
TANGEDGO,
800, Anna Salai,
1st Floor, Chennai-2.

2.The Superintending Engineer,
TANGEDGO/Madurai Metro,
K.Pudur, Madurai.

... 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 relating to the proceedings made in Ka.No.Me.Po/MaMiPaVa/PeNa/NiPi.1/OoTha.4/A.No.1902/2012, dated 09.10.2012 and quash the same as illegal and consequently direct the second respondent to pay the gratuity amount payable to the petitioner by calculating his temporary period of service i.e., from 1963 within time stipulated by this Court.

For Petitioner	: Mr.D.Sadiqraja
For Respondents	: Mr.T.Sakthikumar Standing Counsel

ORDER

The impugned order, dated September 2012 stating that as per the Board proceedings, dated 31.03.2004, the petitioner retired from service. The petitioner joined as daily wages employee and served in the Board and retired from service. The petitioner had served a Board in 31 ½ years and the prescribed period of 30 years had been considered and accordingly, the pensionary benefits were settled on the date of retirement itself. The said impugned order is under challenge in the present writ petition.

2.The petitioner was appointed as NMR in the Electricity Section of Madurai Municipality, Madurai, on 07.07.1963 and subsequently, promoted as helper and thereafter, he was promoted as Switch Board Operator on 18.12.1974 and then, as Line Inspector and retired from service on 31.03.2004. The writ petition is filed, after a lapse of ten years from the date of retirement, seeking benefit of the NMR service of the year 1963. The writ petition is not only belatedly, the writ petitioner has not established that he



is entitled for the benefit as such sought for in the present writ petition. The 30 years of service has already been taken into consideration as qualifying service for the purpose of fixing of pension and the petitioner has also been received the pensionary benefits on the date of retirement in the year 2004 itself. When the petitioner has received all the benefits on his retirement in the year 2004, he filed the present writ petition at the age of 69 years, after a lapse of about ten years from the date of retirement.

3.Thus, the writ petition stands dismissed on the ground of laches and also on merits. No costs.

Sd/-

Assistant Registrar (cs-I)

// True Copy //

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Sub Assistant Registrar(CS)

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TO

1.The Principal Internal Audit Officer,
TANGEDGO,
800, Anna Salai,
1st Floor, Chennai-2.

2.The Superintending Engineer,
TANGEDGO/Madurai Metro,
K.Pudur, Madurai.

+1 CC to M/s.T.SAKTHI KUMARAN, Advocate (SR-22478[F] dated 23/11/2020)

+1 CC to M/s.D. SADIQ RAJA, Advocate (SR-22552[F] dated 24/11/2020)

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