



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.9990 of 2014

S.Viswanathan

... Petitioner

-Vs-

1.The Secretary to Government of Tamil Nadu,
Tamil Development and Information,
(TD2) Department, Fort St.George,
Chennai-9.

2.The Registrar,
Tamil Nadu University,
Thanjavur 613 010.

3.The Secretary,
Tamil Nadu Public Service Commission,
Fazier Bridge Road, VOC Nagar,
Chennai 3.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the proceedings of the first respondent in its Government Letter No.12465/TD2-2/2013-8, dated 16.04.2014 and quash the same and consequently, direct the second respondent to fix the petitioner's pay at the appropriate stage in the pay scale meant for Research Assistant and consequently pay arrears thereof and thereafter settle his full pension with effect from July 2006 by taking into account his revised last drawn salary in the post of Research Assistant and disburse the other terminal benefits like DCRG, CVP and encashment of leave salary etc together with interest at 18% per annum.

For Petitioners	: Mr.V.Perumal for Mr.V.Vijay Shankar
For Respondents	: Mr.C.M.Mari Chelliah Prabhu Additional Government Pleader for R1 Mr.M.Senthil Kumar for R2 Mr.K.K.Senthil for R3



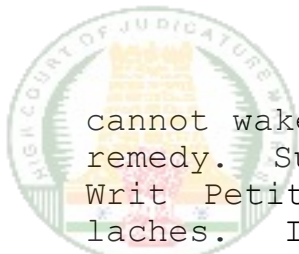
ORDER

The impugned order passed by the first respondent in proceedings, dated 16.04.2014 informing the writ petitioner that, the qualification acquired by the writ petitioner was not declared equivalent to that of the M.A. Degree and therefore, the benefit as claimed by the petitioner cannot be granted.

2.The petitioner states that, he has completed Vidhwan course both in Tamil and Sanskrit from Madras University. He claims that he has deep knowledge both in Tamil as well as in Sanskrit languages. He states that he is an Agama expert and done research in Agama and Vedas under great Agama Pandits like Triloki Kasinatha Sivachariayar, Thiruvaduthurai Saminatha Sivachariyar, Dharmauram Adhinam Swaminatha Sivachariyar. The petitioner was appointed as Research Assistant by proceedings, dated 25.05.1992. The grievance of the writ petitioner is that, the Vidhwan course both in Tamil and Sanskrit awarded by the Madras University is not declared as equivalent to that of a M.A. Degree. Thus, the pension of the writ petitioner is fixed in the lower scale and now, he is getting a meagre amount as pension.

3.The impugned order, dated 16.04.2014 states that, there is no declaration by the appropriate forum i.e., Equivalence Committee of TNPSC declaring the education qualification of the writ petitioner as equal to that of M.A. Degree. So long as, there is no declaration of equivalence, the benefit as sought for by the writ petitioner cannot be granted.

4.The learned counsel for the petitioner reiterated that, recommendations were made by the University for granting equivalence. However, the authorities made an observation that, they are unable to decide on the equivalence of Vidhwan M.A. (Sanskrit). However, the facts remains that no declaration has been granted treating the Vidhwan (Sanskrit) as equivalent to M.A. Degree. In the absence of any such declaration, the benefit as such sought for cannot be granted. This apart, the writ petitioner was aged about 67 years even at the time of filing of the writ petition. Now, he would be around 73 years. He filed the writ petition long after his date of retirement. If at all, the service benefits are to be claimed, the petitioner ought to have approached the competent authority as well as the Court of law within a reasonable period of time. The earlier writ petition filed by the writ petitioner was also of the year 2011. However, the writ petitioner retired from service in the year 2006. Thus, both the writ petitions were highly belated. Employees are expected to redress their grievances within a reasonable period of time. Once the claim is allowed to be lapsed, then they cannot restore the same after the lapse of so many years. In other words, an employee, who slept over his right,



cannot wake up one fine morning and knock the door of the Court for remedy. Such a stale claim cannot be entertained and therefore, the Writ Petition is liable to be dismissed even on the ground of laches. In the present writ petition, the writ petitioner is not able to establish that, he has right to get the benefit in view of the fact that the qualification acquired by the writ petitioner has not been declared equivalent to that a M.A. Degree. This being the factum established, no relief can be granted and the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (co)

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/ /2020

Sub Assistant Registrar(CS)

rmk

To

1.The Secretary to Government of Tamil Nadu,
Tamil Development and Information,
(TD2) Department, Fort St.George,
Chennai-9.

2. The Secretary,
Tamil Nadu Public Service Commission,
Fazier Bridge Road, VOC Nagar,
Chennai 3.

+1 CC to Mr.V,VIYAY SHANKAR, Advocate (SR-21216[F]dated 05/11/2020)

+1 CC to Mr.K.K.SENTHIL, Advocate (SR-21261[F] dated 05/11/2020)

+1 CC to Mr.M.SENTHIL KUMAR, Advocate (SR-21344[F]dated 06/11/2020)

+1 CC to SPL GP (SR-21465[F] dated 06/11/2020)

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