



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2021

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A.No.1172 of 2021

Velusamy

Vs.

.. Appellant

1.The State of Tamilnadu,
Represented by the Chief Secretary,
Fort St. George,
Chennai - 600 009.

2.The State of Tamilnadu,
Represented by its Secretary,
Revenue and Administration,
Fort St. George,
Chennai - 600 009.

3.The District Collector of Thanjavur,
Thanjavur

.. Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 03.11.2020 passed in W.P.No.6952 of 2013 on the file of this Court.

WP.No.6952 of 2013 : Writ Petition filed under Article 226 of the Constitution of India praying that to issue a Writ of Mandamus to direct the 1st respondent to regularize the Petitioner's service and recognise with petitioner's service with effect from 11.08.1982 and confer all monetary and other benefits petitions is entitled to and disburse the same to the Petitioner.

For Appellant : Mr.V.Udaya Kumar
For Respondents : Mr.C.Jayaprakash
Government Counsel

JUDGMENT

[delivered by PUSHPA SATHYANARAYANA, J.]

The writ appeal has been filed by the writ petitioner against the order passed in W.P.No.6952 of 2013 dated 03.11.2020.



2. The writ petitioner was appointed as Village Administrative Officer in Kumaramangalam Village. He has now sought for regularisation of his services by recognising his service with effect from 11.08.1982 and confer all monetary and other benefits due to him. The learned Single Judge had dismissed the writ petition, aggrieved by the same, the present appeal is preferred.

3. It is stated in his affidavit that he was originally appointed on 08.08.1982 as per the directions of the Hon'ble Supreme Court on the basis of undertaking given by the respondents. It is further stated that the respondents did not allow him to join the said post due to non-furnishing of requisite declaration. Thereafter, the writ petitioner had approached the Tribunal and subsequently, he was appointed on 19.07.1992 and retired from service on 28.02.2010 as Village Administrative Officer.

4. The learned counsel appearing for the appellant submitted that the mistake on the part of the respondents in not allowing the appellant to join the said post should not prejudice his rights. Hence, he requested his service to be regularised from the year, 1982.

5. It is found by the learned Single Judge that the requisite declaration if submitted would have disqualified the writ petitioner and therefore, he did not submit the same. Only pursuant to the direction of the Administrative Tribunal he was appointed as Village Administrative Officer and his services were regularised and he retired from service on 28.02.2010. Admittedly, he has also taken the terminal benefits and after a lapse of three years from the date of his retirement, the writ petition was filed to reckon the date of his regularisation from 11.08.1982 after a delay of almost 30 years. The writ petition was also filed after receiving all the retiral benefits that too three years later. Therefore, the appellant is guilty of delay and laches and he cannot try to take advantage of his own mistake of not knocking the doors of the Court at the earliest point of time. On the same grounds, the learned Single Judge also rejected the claim of the writ petitioner. The attitude of the appellant appears to be a matter of chance. Thus the writ petition was filed unsuccessfully. We do not find any error or defect in the order of the learned single Judge and the same is sustained.

6. In normal circumstances, we would impose exemplary cost for wasting the time of this Court, in spite of knowing that the claim is not sustainable. However, considering the plight of the appellant that he had retired 10 years ago, we refrain from doing so.



7. In view of the above, the writ appeal is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi

To

1.The Chief Secretary,
State of Tamilnadu,
Fort St. George,
Chennai - 600 009.

2.The Secretary,
State of Tamilnadu,
Revenue and Administration,
Fort St. George,
Chennai - 600 009.

3.The District Collector of Thanjavur,
Thanjavur

+1cc to the Government Pleader, S.R.No. 33289

W.A.No.1172 of 2021

UM(CO)
GN(05/08/2021)