

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.8818 of 2021

M.Manoharan

Petitioner

Vs

1 The Registrar General,
Madras High Court,
Chennai 600 104.

2 The Registrar (Administration),
Madras High Court,
Chennai 600 104.

.... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to permit the petitioner to join duty with effect as Junior Assistant in the Judicial Department.

For Petitioner : Mr.Yogesh Kannadasan

For Respondents : Mr.B.Vijay

ORDER

(Made by The Hon'ble Chief Justice)

There is no merit in the petition and the petitioner's belated request to rejoin the post that the petitioner had consciously abandoned cannot be countenanced.

2. The admitted facts are thus: The petitioner joined as Junior Assistant on temporary basis in the Department of

Treasury on July 10, 2003. He was provisionally selected as Junior Assistant and posted at the Court of District Munsif on December 22, 2009. On January 28, 2010 the petitioner was to join the District Munsif Court after being relieved by the Department of Treasury but the petitioner claims that due to the ill-health of his parents he applied for six months leave. Without even bothering to wait for the leave to be sanctioned, the petitioner sanctions such leave for himself and sought to be transferred to the Department of Treasury in July, 2010 instead of joining the Court of District Munsif. It was only on January 9, 2011 that the petitioner gave a representation to the District Munsif to relieve him from the post so as to enable him to join the Department of Treasury. The request was rejected in April, 2011 and a further request was made which, according to the petitioner was rejected on February 29, 2012. The petitioner waited for more than three years thereafter before making a further representation in June, 2016 and subsequent representations on December 9, 2016 and December 9, 2020.

3. Though there is no prescribed period of limitation which applies to petitions under Article 226 of the Constitution, but equitable considerations do come into play. The extraordinary powers in this jurisdiction cannot be extended to a person whose conduct reeks of dereliction, procrastination. The Writ Court also does not come to the aid of a laggard and the person who sleeps over his rights.

4. In any event, there does not appear to have been any justifiable reason for the writ petitioner assigning six months leave to himself without obtaining the permission of the employer. The writ petitioner thereafter purported to transfer himself to his parent department without even reporting to duty at the transferred place. Though the request was rejected in 2011, the petitioner did not take any meaningful or effective steps within reasonable time thereof. The overall conduct of the petitioner does not permit the Writ Court to grant any relief. Upon the petitioner's request to be re-transferred to the Department of Treasury standing rejected on January 9, 2011, and the petitioner not taking any meaningful steps thereafter, the petitioner is deemed to have accepted the position and abandon the service.

Accordingly, W.P.No.8818 of 2021 is dismissed. There will be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

SRA

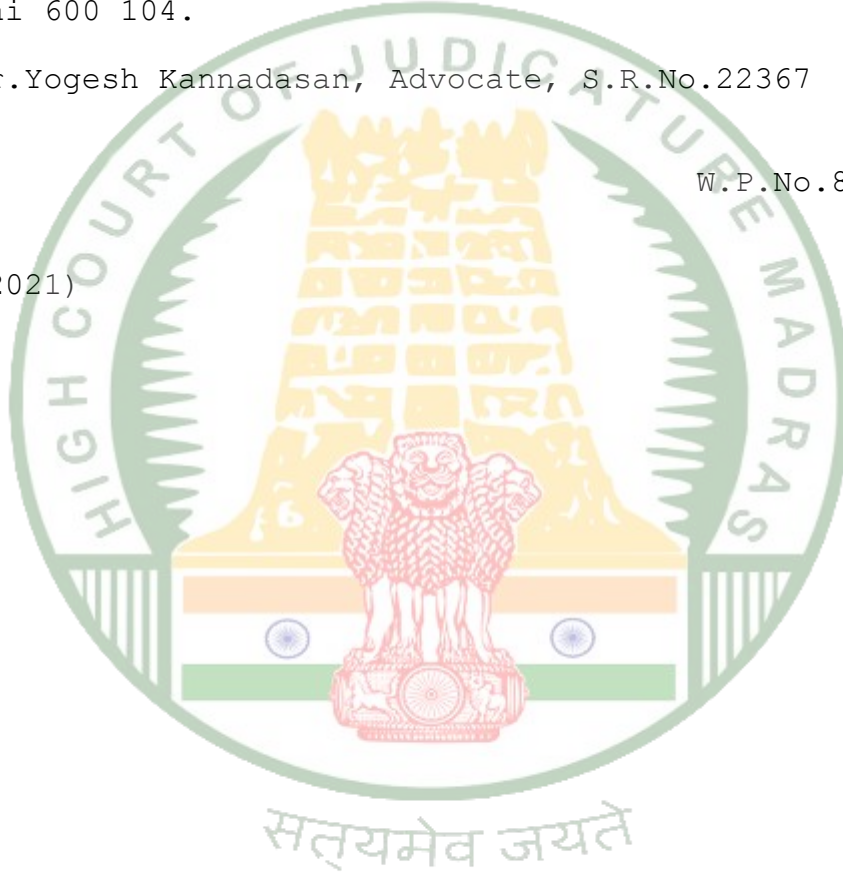
To

- 1 The Registrar General,
Madras High Court,
Chennai 600 104.
- 2 The Registrar (Administration),
Madras High Court,
Chennai 600 104.

+1cc to Mr.Yogesh Kannadasan, Advocate, S.R.No.22367

W.P.No.8818 of 2021

PL(CO)
TE(30/04/2021)



WEB COPY