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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

WP No.10562 of 2021

R.Balamuralidharan

.. Petitioner

Vs

1.The Union of India,
through Ministry of Personal and
Administrative Reform(S),
rep. by its Secretary,
Shram Shakti Bhawan,
Rafi Marg,
New Delhi - 110 001.

2.The Controller & Auditor General of India,
Pocket-9, Deen Dayal Upadhyaya Marg,
New Delhi - 110 124.

3.The Chief Secretary of Government of Tamil Nadu,
Secretariat, Chennai - 600 009.

4.The State of Tamil Nadu,
rep. by its Secretary of its
Personal and Administrative Reform(s),
Secretariat, Chennai - 600 009.

5.The State of Tamil Nadu,
rep. by its Secretary of
Labour and Employment Department,
Secretariat, Chennai - 600 009.

6.The Tamil Nadu Public Service Commission,
rep. by the Chairman,
TNPSC Road Park Town,
V.O.C. Nagar, Chennai
Tamil Nadu - 600 003.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari to call for the records in G.O.Ms.29 Personnel and Administrative Reform(s) Department, dated 25.02.2021 on the file of the 4th respondent



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and quash the same as unconstitutional, ultra-vires the Constitution of India, illegal, incompetent, without jurisdiction, excessive legislation, colourable legislation.

For the Petitioner : Mr.M.Muruganantham

For the Respondents : Mr.G.Ilangovan
CGSC for respondent No.1

: Ms.R.Anitha
Counsel for the State
for respondent Nos.3 to 5

: Mr.Karthik Rajan
for respondent No.6

ORDER

(Order of the Court was made by Hon'ble Chief Justice)

The petition is utterly misconceived and filed only for publicity purposes. The challenge here is to a notification dated February 25, 2021 by which a policy decision has been taken by the elected government of the State to increase the retirement age of State government employees from 59 to 60.

2. The petitioner purports to contend that when there is large-scale unemployment and the like, the increase in the retirement age is detrimental to the interest of those seeking to obtain government jobs in the State. However, the petition is bare bodied and bereft of any details or material, leave alone any figures which would demonstrate that the decision is obviously flawed.

3. Indeed, the court is slow to interfere in matters of policy since it is the prerogative of the government. Further, a similar challenge carried by way of WP (MD) No.5302 of 2021 (R.Gopinath v. State of Tamil Nadu) has been dismissed by a co-ordinate Bench by a terse order on July 16, 2021. Paragraph 3 of the order indicates that the prayer sought cannot be granted as it is a policy decision of the government.

4. For the present writ petitioner seeking to make a spectacle out of this matter, the petitioner will pay costs assessed at Rs.5,000/- to the Tamil Nadu State Legal Services Authority within a fortnight from date. In addition, the petitioner will not be entitled to bring any public interest litigation in this court for a period of two years without obtaining the previous leave of the relevant Bench in such regard.



5. WP No.10562 of 2021 is dismissed. WMP Nos.11149 and 11150 of 2021 are closed.

Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

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To

1.The Secretary,
Union of India,
Ministry of Personal and Administrative Reform(S),
Shram Shakti Bhawan,
Rafi Marg, New Delhi - 110 001.

2.The Controller & Auditor General of India,
Pocket-9, Deen Dayal Upadhyaya Marg,
New Delhi - 110 124.

3.The Chief Secretary of Government of Tamil Nadu,
Secretariat, Chennai - 600 009.

4.The Secretary,
State of Tamil Nadu,
Personal and Administrative Reform(s),
Secretariat, Chennai - 600 009.

5.The Secretary,
State of Tamil Nadu,
Labour and Employment Department,
Secretariat, Chennai - 600 009.

6.The Chairman,
Tamil Nadu Public Service Commission,
TNPSC Road Park Town,
V.O.C. Nagar, Chennai
Tamil Nadu - 600 003.

7. The Member Secretary,
Tamil Nadu Public Service Commission,
V.O.C. Nagar, Chennai,
Tamil Nadu - 600 003.

+1CC to M/s.M.Muruganantham, Advocate, SR.No. 50746

+1CC to M/s.G.Ilangovan, Advocate, SR.No. 50603

+1CC to The Government Pleader, SR.No. 50824

W.P.No.10562 of 2021

CP(CO)

B.VC (04/10/2021)