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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

Coram

The Hon'ble Mr. Justice V. PARTHIBAN

W.P.No.27205 of 2021

S.Mohan

...Petitioner

Vs.

1. The State represented by
The Principal Secretary,
Department of Public Health and Family Welfare,
Fort.St.George, Secretariat,
Chennai - 600009.

2. The Director of Public Health and Preventive Medicines,
DMS Complex, Teynampet, Chennai.

3. The Deputy Director of Medical Services,
Nagapattinam, Nagapattinam District.

4. The Deputy Director of Medical Services,
Aranthangi, Pudukkottai District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents to revise the seniority of the petitioner and placed the petitioner ahead of all the candidates appointed to pursuance of the interview conducted on 01.06.1998 by the third respondent for the post of Pharmacist, called vide notification in Na.Ka.No.48/98/A1 dated 25.05.1998 and consequently direct the respondents to grant all service and monetary benefits.

For Petitioner : Mr.C.Sivakumar

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to revise the seniority of the petitioner and place the petitioner ahead of all the candidates appointed pursuant to the interview



conducted on 01.06.1998 by the third respondent for the post of Pharmacist, called vide notification in Na.Ka.No.48/98/A1 dated 25.05.1998 and consequently direct the respondents to grant all service and monetary benefits.

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2. The case of the petitioner is that, he is a Diploma-holder in Pharmacy and was appointed as Pharmacist in the year 1998. According to the petitioner, while appointing him in 1998, the appointing authority has not followed the conditions imposed in G.O.Ms.No.2112, Health and Family Planning Department, dated 12.09.1972. According to the petitioner, by not following the said G.O.Ms.No.2112, his seniority was wrongly fixed. In the said circumstances, he has filed the present Writ Petition seeking direction to the respondents to revise his seniority in pursuance of the interview conducted on 01.06.1998 and to grant all service benefits accordingly.

3. From the above brief narration of the facts, it could be seen that the cause of action in the Writ Petition has arisen in the year 1998 and the present Writ Petition is filed in the year 2021. Not a word has been whispered in the affidavit as to why the petitioner has approached this Court after a lapse of more than two decades. The entire affidavit is sketchy, bald and bereft of any relevant details covering the period from 1998 to 2021.

4. In matters concerning revision of seniority, the Courts should be extremely wary in entertaining any Writ Petition, if the person concerned approaches the Court belatedly. It is trite in law to hold that the seniority will not be normally unsettled after a particular period of time, as the principle is that the settled seniority cannot be unsettled after a lapse of considerable time.

5. In this case, the petitioner is claiming seniority, as according to him, it has been wrongly fixed in 1998, which claim, in the opinion of this Court, is hopelessly time-barred and hit by laches. Such a stale claim without any iota of explanation in the affidavit, cannot be entertained even for a second.

6. Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

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Sub Assistant Registrar



To

1. The Principal Secretary,
Department of Public Health and Family Welfare,
Fort.St.George, Secretariat,
Chennai - 600009.
2. The Director of Public Health and Preventive Medicines,
DMS Complex, Teynampet, Chennai.
3. The Deputy Director of Medical Services,
Nagapattinam,
Nagapattinam District.
4. The Deputy Director of Medical Services,
Aranthangi, Pudukkottai District.

+1cc to M/s.C.Sivakumar, Advocate, S.R.No.68572

+1cc to the Government Pleader, S.R.No.69061

W.P.No.27205 of 2021

BP(CO)
SU(08/02/2022)