



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2021

CORAM:

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

W.A. (MD) No.546 of 2011

1.P.Perumal (Died) ... Appellant

2.P.Dhanalakshmi
[2nd Appellant is substituted as per
order dated 05.08.2015 made in M.P.No.1
of 2014 in W.A.(MD) No.546 of 2011]

-vs-

1.The Principal Accountant General
(Accounts & Entitlements)
Tamil Nadu, Chennai

2.The District Collector
Tiruchirapalli

3.The Tahsildar
Srirangam, Tiruchirapalli

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 29.03.2011, passed in W.P.(MD) No.3647 of 2011, on the file of this Court.

Prayer in WP(MD). 3647/ 2011 :

`Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the first respondent in Ref.No.Pen 1/5/P 73-989/01-02/urg/02-03/324, dated 23.07.2002 and quash the same and consequently direct the first respondent to revise the pensionary and other terminal benefits payable to the petitioner by including the services rendered by the writ petitioner in the Education Department from 23.09.1972 to 25.04.1984.

For Appellant : Mr.T.Antony Arul Raj

For Respondents : Mr.P.Gunasekaran for R1
Mr.S.P.Maharajan
Additional Government Pleader for R2 & R3



J U D G M E N T

S.VAIDYANATHAN, J.

and

DR.G.JAYACHANDRAN, J.

Challenging the order dated 29.03.2011 passed in W.P.(MD) No.3647 of 2011, the writ petitioner has preferred this writ appeal.

2. The appellant - Perumal, who initially joined as Record Clerk in a Government School on 20.09.1972, resigned his job since he was successful in the competitive examination conducted by the Tamil Nadu Public Service Commission for the post of Village Administrative Officer and joined the said post on 26.04.1984 and retired from service on attaining the age of superannuation on 30.09.2001. Thereafter, he made a representation during June, 2002 to reckon his past services for the purpose of calculating pensionary and other terminal benefits, which were rightly negatived by the Government, vide order dated 23.07.2002 since his past services cannot be taken into consideration in view of his resignation from the post of Record Clerk. Aggrieved by the rejection of his request, the writ petitioner has filed the writ petition.

3. It is to be noted that the petitioner, who resigned the post of Record Clerk probably prior to 1984 and joined the post of Village Administrative Officer on 26.04.1984 and retired from service as early as on 30.09.2001 and having slept over for nearly a decade, moved this Court challenging the rejection of his request by filing a writ petition only in the year 2011. In such circumstances, the learned Single Judge has rightly dismissed the writ petition holding that there is a delay in approaching the Court and seeking the relief. We do not find any error or infirmity in the order passed by the learned Single Judge and it does not warrant any interference of this Court.

4. Accordingly, the writ appeal is dismissed. No costs.

Sd/-

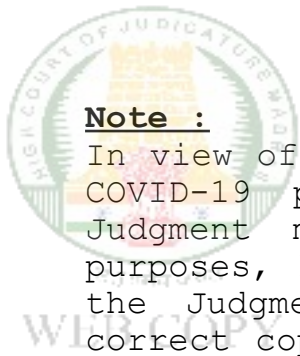
Assistant Registrar (CS I)

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/ /2021

Sub Assistant Registrar(CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the Judgment may be utilized for official purposes, but, ensuring that the copy of the Judgment that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

1.The District Collector,
Tiruchirapalli.

2.The Tahsildar,
Srirangam,
Tiruchirapalli.

+1 CC to M/s.SPL GP (SR-37407[F] dated 06/12/2021)

W.A. (MD) No.546 of 2011
03.12.2021

MGJ(16.12.2021) 3P 4C