



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2021

CORAM:

The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM

AND

The Hon'ble Mrs.JUSTICE S.ANANTHI

W.A. (MD) .No.351 of 2019

and

C.M.P(MD) .No.2455 of 2019

M.Nelson

...Appellant/Petitioner

Vs.

1. The Chairman & Managing Director,
Tamilnadu Generation & Electricity,
Distribution Corporation Co., Ltd.,
144, Anna Salai, Chennai - 2.

2. The Chief Engineer Personnel,
TANGEDCO,
144, Anna Salai, Chennai - 2.

3. The Superintendent Engineer,
TANGEDCO,
Kanyakumari Electricity Distn. Circle,
Nagercoil -3.

....Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letter Patent Act, to set aside the order dated 15.03.2018 made in W.P(MD).No.17810 of 2013 on the file of this Court and allow the above writ appeal.

Prayer in WP(MD) . 17810/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus or any other writ or direction in the nature of writ directing the respondents to grant petitioner the pension on par with petitioner junior the said Sr. N. Victor Gnanadhas as prayed for in petitioner representation dt 15.02.2013



For Appellant : Mr.F.Deepak
For Respondents : Mr.Sakthi Kumaran

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J U D G M E N T

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

This Writ Appeal by the Writ Petitioner is directed against the order dated 15.03.2018 made in W.P.(MD)No.17810 of 2013.

2. Mr.F.Deepak, learned counsel appearing for the appellant would submit that the appellant approached the Writ Court for an innocuous relief praying for issuance of Writ of Mandamus, to direct the authorities to consider the representation. However, the learned Writ Court dismissed the Writ Petition.

3. After elaborately hearing the learned counsel for the appellant, we are of the view that the learned Writ Court rightly dismissed the Writ petition, because the claim made by the appellant is scrupulously barred by the delay in laches. It has not been disputed that the appellant retired from services in the year 2006 and he filed the writ petition in the year 2013 to consider the representation dated 15.02.2013. Though the appellant would contend that he has been giving representations even earlier, we cannot take note of the same. Because, when the appellant approached this Court and filed the writ petition, the only reference was the representation dated 15.02.2013. That apart, the nature of the claim made in the representation is a stale claim. Therefore, at this juncture, no direction can be issued to reopen a closed matter. Hence, we decline to grant any relief sought for accordingly.

4. After we have passed the above judgment, the learned counsel for the appellant submitted that liberty may be granted to him to approach the higher authorities. According to the appellant, full board of the respondent may consider this case. It is well open to the appellant to submit a representation, which would be considered in accordance with law.



5. In the result, this Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

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/ /2021

Sub Assistant Registrar(CS)

kmm/sm

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

To

1. The Chairman & Managing Director,
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144, Anna Salai, Chennai - 2.
3. The Superintendent Engineer,
TANGEDCO,
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Nagercoil -3.

+1 CC to M/s.T.SAKTHIKUMARAN, Advocate (SR-21430[F] dated 07/07/2021)

+1 CC to M/s.F.DEEPAK, Advocate (SR-21582[F] dated 07/07/2021)

Order made in

W.A. (MD) .No.351 of 2019

Dated:

06.07.2021

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MGJ(16.07.2021) 3P 6C