



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.12.2021**

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.22072 of 2021

Marimuthu

...Petitioner

vs.

1.The Area Manager,
F.C.I. District Office,
Pudukkottai Road,
Thanjavur,
Thanjavur District.

2.The General Manager,
F.C.I. Reg.5/54, Greams Road,
Chennai.

3.The Executive Director (TN),
F.C.I. Zonal Office,
No.3, Haddows Road,
Chennai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to give notional promotion and to give financial and pensionary benefits as par with the petitioner's batch mates.

For Petitioner

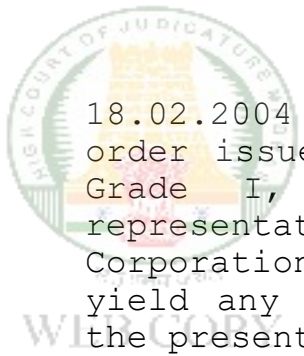
: Mr.N.Manoharan

O R D E R

This writ petition is filed seeking a direction to the respondents to give notional promotion to the petitioner.

2.The case of the petitioner is that he joined as Watchman in Food Corporation of India, Thanjavur, on 01.10.1971. During his tenure in February 1975, he was awarded with punishment of withholding of two increments with cumulative effect for the charges contemplated as against him. Thereafter, he was promoted as AG(II) during 1999. But, his juniors were promoted with effect from 22.12.1978 and the mistake committed by the respondents went unnoticed.

3.The learned counsel for the petitioner submits that at the time of the petitioner's retirement during 2004, he was working as Assistant Grade II (Depot). The petitioner sent representation on



18.02.2004 with a request to rectify the anomaly in the promotion order issued, deleting his name from category IV to Grade IIII and Grade I, when his juniors were given promotion and the representation was also forwarded to the Zonal Manager, Food Corporation of India, Chennai on 09.12.2004. But the same did not yield any result. Hence, the petitioner is before this Court with the present writ petition.

4. It is seen from the affidavit filed by the petitioner that the petitioner was working in Food Corporation of India, Thanjavur and during his tenure, there was an anomaly in the promotion order issued by the respondents, where, his juniors were given promotion. With regard to the same, he made some representation before the concerned authority on 27.10.2004 and the same was forwarded to the higher officials, and no action has been taken by them. It is pertinent to note that he retired from service in the year 2004 itself. Now, he has come forward with the present writ petition in the year 2021, for rectifying the notional promotion anomaly, after such a long time. The petitioner ought to be vigilant in getting his relief through proper channel. In the event of non-consideration of his representation, if any, he could have approached this Court at that relevant point of time itself. But, the petitioner has approached this Court with an inordinate delay of 17 years, that too, without any reasons for the delay.

5. Therefore, this Writ Petition is dismissed, on the ground of laches, in the admission stage itself. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vrn

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 Area Manager,
F.C.I. District Office,
Pudukkottai Road,
Thanjavur,
Thanjavur District.

<https://hcservices.hcscourts.gov.in/hcservices/>



2.The General Manager,
F.C.I. Reg.5/54, Greams Road,
Chennai.

3.The Executive Director (TN),
F.C.I. Zonal Office,
No.3, Haddows Road,
Chennai.

+1 CC to M/s.N.MANOCHARAN, Advocate (SR-38506[F] dated 14/12/2021)

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13.12.2021

PS (CO)

KB(08.02.2022) 3P 5C