



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.03.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.5985 of 2017

WEB COPY

M.Mahalingam(Rtd RC)

... Petitioner

Vs.

1. The Secretary,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai.

2. The Commissioner,
Rural Development and Panchayath
Raj Department,
Panagal Building,
Chennai-15.

3. The District Collector,
Trichy District.

4. The Commissioner/
The Block Development Officer,
Thiruverumbur,
Trichy District.

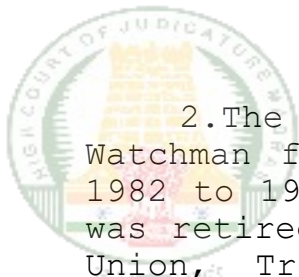
... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to fix the seniority by taking account of the petitioner's SSLC as eligible for the promotion and to give notional promotions and to pay all the monitory benefits with all arrears within the stipulated time.

For Petitioner	: Mr.R.Lakshmanan
For R1 to R3	: Mr.A.Karthick
	Government Advocate
For R4	: Mr.S.Kumar

O R D E R

This writ petition is filed for a direction to the respondents to fix the seniority, by taking into account of the petitioner's SSLC as eligible for the promotion and to give notional promotions and to pay all the monitory benefits with all arrears within the stipulated time.



2.The case of the petitioner is that he was working as a Watchman from 12.01.1981 to August 1982, as Office Assistant from 1982 to 1991 and as Record Clerk from 1991 to 2010. Thereafter, he was retired from service as Record Clerk in Thiruverumbur Panchayat Union, Trichy District, on 31.03.2010. After retirement, the petitioner has made a representation to the respondents to include his name in the promotion panel and the same was rejected on the ground that he has not possessed the 10th qualification. Further, the petitioner came to know that the G.O.No.745 Personal Administrative and Reforms (Personnel) Department, dated 18.07.1980 reveals that the old 11 years SSLC is enough for the Junior Assistant post and pass or fail is immaterial. Hence, the petitioner has made a representation, dated 27.02.2017 to the respondents. So far, no order has been passed. Hence, the present Writ Petition is filed.

3.The learned counsel appearing for the petitioner submitted that it would suffice if the representation made by the petitioner dated 27.02.2017 is directed to be considered by the respondents.

4.The facts in the present case are not in dispute. Admittedly, the petitioner has entered into service in the year 1981 and he was retired from service as Record Clerk in the year 2010. He did not take any steps for 7 years after his retirement. Further, it appears that the petitioner in his affidavit has stated that the earlier representation was rejected by the respondents. Without challenging the rejection order, the petitioner has filed the present writ petition after a lapse of 7 years from the date of retirement. Hence, this Writ Petition is dismissed on the ground of laches. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The Secretary,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai.

2.The Commissioner,
Rural Development and Panchayath
Raj Department,
Panagal Building,



3.The District Collector,
Trichy District.

+1 CC to M/s.R.LAKSHMANAN, Advocate (SR-10634[F] dated 12/03/2021)

+1 CC to M/s.SPL GP (SR-10882[F] dated 12/03/2021)

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PSP(12.05.2021) 3P 6C