



W.P.No.14392 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 09.11.2022**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.No.14392 of 2016**

P.Kaliyamoorthy

... Petitioner

Vs.

- 1.The Government of Tamil Nadu  
Represented by the Secretary to Government  
School Education Department  
Secretariat, Fort St. George,  
Chennai – 600 009.
- 2.The Director of School Education  
College Road, Nungambakkam, Chennai – 6.
- 3.The Chief Educational Officer,  
Cuddalore, Cuddalore District.
- 4.The District Educational Officer,  
Cuddalore, Cuddalore District.
- 5.The Secretary  
NLC Schools, Neyveli Township  
Cuddalore District.
- 6.The Head Master  
NLC Higher Secondary School  
Mandarakuppam, Neyveli – 2.  
Cuddalore District.

... Respondents



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**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to dispose the representation of the petitioner dated 13.08.2015 to count his Higher Grade place service as Secondary Grade Assistant Service from 21.07.1975 to 31.05.1976 for determination of his service benefits and pensionary benefits and to grant the consequential benefits arising thereof.

For Petitioner : Mr.K.Thennan

For R1 to R4 : Mrs.S.Mythreye Chandru  
Special Government Pleader

### **ORDER**

The relief sought for in the present writ petitioner is to direct the respondents to dispose of the representation submitted by the writ petitioner on 13.08.2015 to count his Higher Grade place services as Secondary Grade service from 21.07.1975 to 31.05.1975 for determination of service benefits and pensionary benefits.

2. The facts not in dispute are that the petitioner was initially appointed as Higher Grade Teacher and thereafter, posted as Secondary Grade Teacher and retired as PG Assistant. The petitioner was allowed to retire from service on 30.04.2010 on attaining the age of superannuation.



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The 6<sup>th</sup> respondent is the aided school and the petitioner was approved teacher. Though the petitioner retired from service on 30.01.2010, the present writ petition was filed in the year 2016 and even the representation sought to be disposed of in the present writ petition itself was sent by the writ petitioner on 13.08.2015 after a lapse of about 5 years from the date of retirement. The relief sought for is to determine the service benefits in respect of the services rendered by the writ petitioner from the year 1975 to 1976.

3. A Government employee, if aggrieved or service conditions are violated, they are expected to redress the grievances within a reasonable period of time. Ignorance of rules is not an excuse. After several years they cannot claim such benefits, which would cause prejudice to the department as they may not be in a position to verify the Service Records or it will open Pandora Box and many such misplaced persons will claim such benefits, which will result in financial burden. All such mitigating factors are to be considered, while entertaining a writ petition, which all are filed beyond a reasonable period of lapse of several years.



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4. In the present case, the petitioner seeks directions to dispose of the representation submitted in the year 2015. By merely issuing a direction and the same would do no service the cause of justice. The litigant has to come again to the Court as in the present case, the respondents have objected the claim of the writ petitioner, not only on the ground of delay, but also on the ground that the petitioner served in aided school and the Government orders in this regard are not applicable to the Teachers working in the aided school.

5. Though the learned counsel for the petitioner states that the Government orders applicable to the aided Schools and the same cannot be adjudicated at this length of time and the petitioner has slept over his right for several years and now after a lapse of 6 years from the date of retirement, he filed the writ petition based on the representation sent by him after a lapse of 5 years from the date of retirement.



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6. For all these reasons, the relief as such sought for in the present writ petition deserves no further consideration and consequently, the Writ Petition stands dismissed. No costs.

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Jeni  
Index : Yes  
Speaking order

To

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**S.M.SUBRAMANIAM, J.**

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