

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 24.03.2022

CORAM

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN
AND
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.A. No. 691 of 2022

S. Mohan

..Appellant/ Petitioner

Vs.

1. The State represented by
The Principal Secretary,
Department of Public Health
and Family Welfare,
Fort St. George, Secretariat,
Chennai - 600009.

2. The Director of Public Health and
Preventive Medicines,
DMS Complex, Teynampet,
Chennai.

3. The Deputy Director of Medical Services,
Nagapattinam, Nagapattinam District.

4. The Deputy Director of Medical Services,
Aranthangi, Pudukottai District.

..Respondents

Prayer: Writ Appeal as against the order dated 20.12.2021
passed in W.P. No. 27205 of 2021.

Prayer in W.P. No. 27205 of 2021:

Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to revise the seniority of the petitioner and placed the petitioner ahead of all the candidates appointed in pursuance of the interview conducted on 01.06.1998 by the third respondent for the post of Pharmacist, called vide notification in Na.Ka No. 48/98 / A1 dated 25.05.1998 and consequently direct the respondents to grant all service and monetary benefits.

For Appellant :: Mr.C. Sivakumar

For Respondents:: Mr.Abhishek Murthy,
Govt. Advocate

J U D G M E N T

S. VAIDYANATHAN, J. AND MOHAMMED SHAFFIQ, J.

Aggrieved by the order dated 20.12.2021 passed in W.P. No. 27205 of 2021, the present writ appeal has been preferred.

2. The appellant had filed the writ petition for issue of a Writ of Mandamus to direct the respondents herein to revise the seniority of the appellant/writ petitioner and place him ahead of all the candidates appointed in pursuance of the interview conducted on 01.06.1998 by the 3rd respondent for the post of Pharmacist and consequently, direct the respondents to grant all service and monetary benefits. The learned Single Judge, finding that the cause of action for the relief sought in the writ petition had arisen way back in the year 1998 while the writ petition was filed in 2021, after a lapse of more than two decades, dismissed the writ petition stating that it is hopelessly time-barred and hit by laches.

3. Heard the learned counsel on either side.

4. The seniority list pertaining to the year 1998 is the subject matter of this writ appeal. The learned Single Judge has rightly come to the conclusion that the seniority list of the year 1998 cannot be disturbed after a period of more than 2 decades. Once the seniority list has been allowed to operate, the Courts cannot unsettle settled position of seniority after a lapse of more than 20 years. Hence, we are of the view that the order of the learned Single Judge dismissing the writ petition on the ground that the claim of seniority made by the appellant/writ petitioner, said to have been wrongly fixed in 1998, is time-barred and hit by laches is sustainable. The writ appeal stands accordingly dismissed as a stale claim cannot be entertained. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

nv

To

1. The Principal Secretary,
Department of Public Health
and Family Welfare,
Fort St. George, Secretariat,
Chennai - 600009.

2. The Director of Public Health and
Preventive Medicines,
DMS Complex, Teynampet,
Chennai.

3. The Deputy Director of Medical Services,
Nagapattinam, Nagapattinam District.
4. The Deputy Director of Medical Services,
Aranthangi, Pudukottai District.

+1 cc to Government Pleader Sr.NO. 20625

W.A. No. 691 of 2022

CA(CO)
A.SK(13/04/2022)