



WEB COPY



WP No.23401 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-12-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

**WP No.23401 of 2019
And
WMP No.23164 of 2019**

G.A.Rasheed

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Petitioner

vs.

1.The Government of Tamil Nadu,
Represented by its Secretary to Transport Department,
Fort St. George,
Chennai-600 009.

2.The Deputy Manager,
Metropolitan Transport Corporation,
Chennai-600 002.

..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent letter No.9525/onthapil/mapoka/2009 dated 01.08.2018 and quash the same and consequently directing the second respondent to grant pension to the petitioner.



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For Petitioner : Mr.A.Rajaram
For Respondent-1 : Mr.R.P.Murugan Raja,
Government Advocate.
For Respondent-2 : Mr.R.Balaji

O R D E R

The petitioner was appointed as Welder in the second respondent-Transport Corporation and removed from service on 21.05.1980.

2. The petitioner has not challenged the order of removal and thus the punishment became final. After a lapse of about 38 years, the petitioner filed an application to pay pensionary benefits to him and the said application was rejected by the Authorities on 01.08.2018, which is under challenge in the present writ petition.

3. An employee, who was removed from service in the year 1980 is not entitled to claim the pensionary benefits as per the Rules in force and more-so, the petitioner slept over his right and filed the application after a lapse of about 38 years.



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4. Therefore, the very claim of the writ petitioner is hit by laches and at this length of time, he is not entitled for any relief as he was removed from service in the year 1980 itself.

5. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

01-12-2022

Index : Yes/No.
Internet : Yes/No.
Speaking Order/Non-Speaking Order.
Svn

To

1.The Government of Tamil Nadu,
Represented by its Secretary to Transport Department,
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S.M.SUBRAMANIAM, J.

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2. The Deputy Manager,
Metropolitan Transport Corporation,
Chennai-600 002.

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