



W.P.No.34848 of 2016

and

W.M.P.Nos.30003 to 30006 of 2016

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:19.12.2022

Coram:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.34848 of 2016

and

W.M.P.Nos.30003 to 30006 of 2016

K.Rengasamy,
Assistant Treasury Officer (Retd.),
No.2A, Pookkara Street,
Sirukadumbur,
Senji Taluk,
Villupuram-604 202.

.. Petitioner

/versus/

1.The Secretary to Government,
Finance (Treasuries and Accounts) Dept.,
Secretariat, Chennai-600 009.

2.The Director of Treasuries and Accounts,
Panagal Maaligai,
Saidapet, Chennai 600 015.

3.The Treasury Officer,
Cuddalore.

.. Respondents



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Prayer: Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 1st respondent issued in Letter No.6989/T&A-2/2015-8, Finance (T&A) Department, dated 07.04.2016 and quash the same and consequently, direct the respondents to regularize the services of the petitioner retrospectively from 18.09.1975 instead of from 15.03.1976 in the light of the orders of the Hon'ble Tamil Nadu Administrative Tribunal in O.A.No.32771/1993 dated 25.11.1996 which was implemented by the 1st respondent in Roc.No.102889/97N1, dated 17.09.1999 and also to consider his name for the post of Superintendent/Sub Treasury Officer, Assistant Treasury Officer and Accounts Officer in the respective panel with all service monetary benefits within a reasonable period as may be fixed by this Hon'ble Court.

For Petitioner :Mr.T.Ranganathan

For Respondents :Mr.K.H.Ravikumar,
Government Advocate

ORDER

The petitioner herein, who had retired from the service as a Superintendent on 31.01.2007 seeks for regularisation of his promotion to the post of Assistant with effect from 18.09.1975 instead of 15.03.1976. The petitioner was originally appointed as a Junior Assistant in the Department of Tamil Nadu Treasuries and Account Department on 29.05.1973 and has completed his probation on 30.06.1975. The temporary promotion to the post of Assistant/Accountant was got on



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18.09.1975. Thereafter, the temporary promotion panel came to be approved on 15.03.1976 and his promotion to the post of Assistant/Accountant was regularised with effect from 15.03.1976. The petitioner now claims that since he was temporarily promoted as Assistant from 18.09.1975 and had worked continuously in the service from 18.09.1975, his service to the post of Assistant/Accountant requires to be taken into consideration for pensionary benefits and other monetary benefits.

2. The writ petition is liable to be rejected predominantly on the ground of delay and laches. When the promotional panel was approved on 16.08.1976, the cause of action arose on that day itself for the petitioner to seek for retrospective promotion from the date on which he was temporarily promoted. As a matter of fact, when he had made such request belatedly on 03.09.1993, the respondents had rejected the same through the proceedings on 15.09.1993 on the very same ground of laches. Even thereafter, apart from making representations to the respondents, no effective steps have been taken by the petitioner towards



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his claim, till he retired from the service. Even after his retirement, he had waited for almost 10 years to file the present writ petition. The overall delay in making the claim for retrospective promotion to the post of the Assistant/Accountant is close to about 40 years. There is absolutely no satisfactory explanation for the inordinate delay and hence, the Writ Petition is liable to be rejected on the ground of laches.

3. Accordingly, **this Writ Petition stands dismissed.** No costs. Consequently, connected Miscellaneous Petitions are closed.

19.12.2022

Index:yes/no

speaking order/non speaking order

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To:

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M.S.RAMESH, J.

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