



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4466 of 2014

and

M.P.No.1 of 2014

T.Rizwan Ahmed

...Petitioner

Vs.

1. State of Tamil Nadu,
Rep. by its Secretary,
Backward Classes, Most Backward Classes and
Minorities Welfare Department,
Fort St.George, Secretariat,
Chennai - 600 009.

2. Tamil Nadu Minorities Economic
Development Corporation Ltd.,
807, Anna Salai, 5th Floor,
Chennai - 600 002.
Rep. by its Managing Director

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records ending with the order bearing letter No.13166/MWRU/2008-23, dated 29.10.2012 issued by the First Respondent and quash the same and consequently direct the first Respondent to fix the petitioner's pay scale as Rs.10000-15200 with effect from 08.02.2001 and pay all arrears along with payment of interest.

For Petitioner : Mr.C.K.Syed Shaffi

For Respondents: Ms.R.L.Karthika
R1 & R2 Government Advocate

ORDER

The relief sought for in the present writ petition is to quash the order passed by the 1st respondent in proceedings dated 29.10.2012 and consequently, direct the respondent to fix the petitioner's pay scale as Rs.10000-15200/- with effect from 08.02.2001 and pay all arrears along with payment of interest.

2.The petitioner was appointed as Commercial Trainee in Tamil Nadu Steels Limited in the year 1972. He was made



permanent employee as Junior Assistant on 12.06.1973. Subsequently, the Tamil Nadu Steels Limited was closed down by the Government of Tamil Nadu through G.O.Ms.No.222 Industries Department dated 16.06.1998. The petitioner was relieved from service of Tamil Nadu Steels Limited on 31.07.1998 after serving for 22 years in the Accounts Department. The petitioner opted for special VRS Scheme and thereafter, an opportunity to serve with the 2nd respondent/the Tamil Nadu Minorities Economic Development Corporation Limited (TAMCO) was provided under the re-employment scheme. The petitioner was permitted to join in the Tamil Nadu Minorities Economic Development Corporation Limited (TAMCO) and was serving with the 2nd respondent till he attained the age of superannuation on 30.09.2009.

3.The TAMCO was closed down in the year 1998 and the petitioner was relieved after exercising all his options for special VRS scheme. The petitioner was re-employed with the 2nd respondent in the year 2001 and during the relevant point of time, the petitioner has not raised any objections with reference to the scale of pay fixed by the 2nd respondent. Even in such case such representation was made by the petitioner during the relevant point of time the petitioner has not pursued the said grievance for several years.

4.The petitioner accepted the scale of pay fixed by the 2nd respondent in the year 2001 and continued in service till his date of superannuation i.e., 30.09.2009. The writ petition has been filed in the year 2014 after a lapse of 5 years from the date of retirement. Thus, the petitioner has slept over his right if at all exhausted and now after a lapse of many years, the claim for re-fixation of pay if considered would result in other consequence and repercussion.

5.Thus, this Court is not inclined to go into the correctness of the pay fixed by the second respondent and as the writ petition itself has been filed after a lapse of about 5 years from the date of retirement.

6.Accordingly, the Writ Petition stands dismissed on the ground of laches. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

Jeni/Ab



To

1. The Secretary,
State of Tamil Nadu,
Backward Classes, Most Backward Classes and
Minorities Welfare Department,
Fort St.George, Secretariat,
Chennai - 600 009.

2. The Managing Director
Tamil Nadu Minorities Economic Development Corporation Ltd.,
807, Anna Salai, 5th Floor,
Chennai - 600 002.

+1cc to the Government Pleader, S.R.No.36903

W.P.No.4466 of 2014

SKM(CO)
RGA(06/07/2022)