



WEB COPY



W.P.No.18783 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18783 of 2019

S.Chandrasekaran

... Petitioner

-Vs-

1. The Commissioner,
Corporation of Chennai,
Ribbon Building, Chennai-3.

2. The Zonal Officer,
Zone-IV, Corporation of Chennai,
Tondiarpet, Chennai-21.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in his proceedings Ma.Aa.4/HD/Na.Ka.No./1525/2018 dated 27.06.2018 and quash the same and consequently direct the respondents herein to release the recovered amount of Rs.1,17,517/- (One Lakh Seventeen Thousand Five Hundred and Seventeen Only) together with interest at the rate of 24% per annum from the date of his retirement till the date of realization.

For Petitioner : Mr.Raja K.

For Respondents : Mr.G.T.Subramanian,
Standing Counsel



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ORDER

The order impugned is a reply, given to the writ petitioner, by the Public Information Officer, under the Right To Information Act.

2. The writ petitioner who was aged about 71 years at the time of filing the writ petition, was an employee in the Chennai Corporation and retired from service on 30.06.2005 as a Sanitary Inspector. In respect of the selection grade pay, the authorities found that excess salary was paid to the writ petitioner when he was in service, and the said excess payment was deducted at the time of retirement.

3. The petitioner retired in the year 2005 and the excess salary was recovered at the time of retirement of the writ petitioner in the year 2005. The deduction was made at the time of retirement and it was completed on 31.03.2008. However, the recovery was effected in the year 2008. The petitioner has not challenged the recovery during the relevant point of time and he submitted an application under the RTI Act on 01.06.2018, after a lapse of 10 years from the date of recovery and the Public



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Information Officer gave a reply in proceeding dated 27.06.2018. The said reply is under challenge in the present writ petition.

4. It is not in dispute that the petitioner was an employee of the Chennai Corporation and retired from service in the year 2005. Recovery was imposed and it was completed on 31.03.2008. Therefore, the reply to the RTI cannot be challenged in a writ petition by an employee after a lapse of 10 years from the date of recovery. Since, the petitioner has not challenged the recovery effected, during the relevant point of time, now at this length of time, he cannot challenge the recovery and thus, the writ petition is liable to be rejected on the grounds of laches.

5. Accordingly, the writ petition stands **dismissed**. However, there shall be no order as to costs.

02.12.2022

Index : Yes
Speaking order
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S.M.SUBRAMANIAM.J.,

sha

To

1. The Commissioner,
Corporation of Chennai,
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2. The Zonal Officer,
Zone-IV, Corporation of Chennai,
Tondiarpet, Chennai-21.

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