

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.06.2022

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16209 of 2014

O.Mani

...Petitioner

-Vs-

1.State of Tamil Nadu,
Rep. by its Secretary to Govt.,
Home (Police) Department,
Secretariat, Chennai - 600 009.

2.The Director General of Police,
Chennai - 600 004.

3.The Additional Director
General of Police,
Armed Forces, Chennai - 600 010.

4.The Works Manager,
Police Transport Workshop-cum-
Training School,
Avadi, Chennai - 600 054.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to award Selection Grade in the scale of pay Rs.1320-30-1560-40-2040 from 28.05.1998 and Special Grade from 28.05.2008 in the scale of pay of Rs.5500-175-9000 in the cadre of Fitter Grade I (Re-borer) and confer all the consequential benefits to the petitioner.

For Petitioner : Mr.C.Vediappan
for M/s.C.S.Associates

For Respondents: Mrs.S.Anitha
Special Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondents to award selection grade in the scale of pay of Rs.1320-30-1560-40-2040 from 28.05.1998 and special grade from 28.05.2008 in the scale of pay of Rs.5500-175-9000 in the cadre of Fitter Grade-I (Re-borer) and confer all the consequential benefits.

2. The writ petitioner has joined as Turner Grade-I on 08.10.1980 in the 4th respondent Training School on consolidated pay. Thereafter, he was brought under the regular establishment and appointed as Re-borer on 28.05.1988 in the time scale of pay. The petitioner was awarded selection grade in the cadre of Re-borer in the year 1998, for which, selection grade in the revised scale of pay was granted as Rs.1320/-, being non-promotional post. The petitioner states that he was due for special grade from 28.05.2008 However, it was not awarded in the cadre of Re-borer.

3. The learned counsel for the petitioner made a submission that the petitioner submitted several representations during the relevant point of time and the authorities also sent proposals for grant of selection grade and special grade with retrospective effect. However, the claim of the petitioner was not considered. Thus, he is constrained to move this writ petition.

4. This Court is of the considered opinion that even at the time of file of the writ petition, the petitioner was aged about 63 years and now he would be around 71 years. Admittedly, the petitioner had reached the age of superannuation and he was allowed to retire from service on 31.08.2008. The writ petition itself was filed after a lapse of 6 years from the date of his retirement.

5. The claim set out in the writ petition is for grant of selection grade from the year 1998 and special grade from the year 2008. There was an enormous delay in pursuing the issues by the petitioner when he was in service. Now, after a lapse of several years and more so, after attaining the age of superannuation, the petitioner has chosen to file this writ petition. Such issues of revision of scale of pay or benefit of selection grade and special grade are to be sought for within a reasonable period of time when the petitioner was in service. Though the petitioner made a representation, he has not pursued the same vigilantly and prudently and therefore, after a lapse of several years, Court cannot grant the relief sought for, as the petitioner had slept over his right during the relevant point of time.

6. Thus, the writ petition is devoid of merits and it is accordingly dismissed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

hvk
To

- 1.The Secretary to Govt.,
Home (Police) Department,
Secretariat,
Chennai - 600 009.
- 2.The Director General of Police,
Chennai - 600 004.
- 3.The Additional Director
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W.P.No.16209 of 2014

ajb(CO)
A.SK(12/07/2022)