



WEB COPY

W.P.No. 25590 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

W.P. No. 25590 of 2019

and

W.M.P.No. 25129 of 2019

B. Halan

... Petitioner

Vs

1. The Chief Engineer/Personnel,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
No. 800, Anna Salai, Chennai -2.

2. The Chief Engineer/Distribution,
Coimbatore Division,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Tatabath, Coimbatore – 12.

3. The Superintending Engineer,
Nilgiris Electricity Distribution Circle,
Nilgiris District.

... 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 connected with the impugned letter passed by the second respondent vide Ref.No.Ka.No. 016192/1677/Nipi.1(5)/2015, dated 23.11.2015 and quash the same and consequently direct the respondents to re-fix the pay of the petitioner from the date of completion of his B.Sc Degree, as per the Board proceedings Ms.No.1010 dated 28.05.1970.



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W.P.No. 25590 of 2015



For Petitioner
For Respondents

: Mr. S. N. Ravichandran
: No appearance

ORDER

The order of rejection, rejecting the claim of the writ petitioner claiming salary from the date of completion of the degree by the petitioner in April 1974, is under challenge in the present writ petition.

2. At the time of the filing of the writ petition, the petitioner was aged about 77 years and as of now he will be around 80 years. The petitioner was appointed as a Junior Assistant in the Respondent Tamil Nadu Electricity Board on 04.02.1971 and retired from service on 31.10.2000 on attaining the age of superannuation. The petitioner retired as a Revenue Supervisor and now receiving pension. The petitioner after a prolonged period submitted a representation to the respondents through the Hon'ble Chief Minister's Cell and in response to the said representation, the authorities passed an order in proceedings dated 23.11.2015, rejecting the claim of the writ petitioner to grant salary from the date of completion of his B.Sc degree in the year 1974.

3. Perusal of the order impugned reveals that he had not approached



the authorities on earlier occasion. He sent a representations to the Chief Minister's Cell on 04.08.2015 and 03.09.2015 which was responded by the authorities by issuing a communication on 23.11.2015. Therefore, such communication would not provide a new cause of action, for the purpose of reopening the lapsed issues. The petitioner was allowed to retire in the year 2000. He had approached the Hon'ble Chief Minister's Cell after a lapse of 15 years from the date of retirement. Thereafter, he has filed the writ petition in the year 2019 after a lapse of four years from the impugned communication dated 23.11.2015. There was an enormous delay even in approaching the authorities as well as the High Court.

4. That apart, claiming salary from the date of passing of the Degree cannot be considered at this length of time. If at all there is any error occurred during the relevant point of time, the petitioner ought to have redressed the same by approaching the competent authorities or the court of law as the case may be within a reasonable period of time. The petitioner slept over his right for several years and now he cannot wake up and file a writ petition seeking a relief of retrospective grant of salary from the date of passing of the B.Sc Degree in April 1974. The very claim itself is untenable. More so, there was an enormous delay in approaching the authorities as well as the High Court



and writ petition is liable to be rejected on the ground of laches.

Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

01.12.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order

To

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S.M.SUBRAMANIAM, J.

mrn

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