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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.28605 of 2019

N.Ganesan .. Petitioner

Vs

1.The Registrar General,
High Court,
Chennai - 600 104.

2.The Principal District Judge,
Namakkal District. .. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to regularize the period of suspension from 21.12.2001 to 07.01.2004 as duty for all purposes in the light of the representation dated 15.11.2018.

For the Petitioner : Ms.Vilasini
for Mr.M.Ravi

For the Respondents : Mr.M.Santhanaraman

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This writ petition has been filed to seek a direction to regularise the period of suspension from 21.12.2001 to 07.01.2004 as duty for all purposes.

2. The period aforesaid was treated by the disciplinary authority as extraordinary leave, while inflicting punishment of

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reduction in rank, while demoting the petitioner from the post of Junior Assistant to the post of Copyist with minimum time scale of pay and, at the same time, denying salary for the period of suspension. The order aforesaid was passed on 7.1.2004 and an appeal against the said order of penalty was preferred on 5.3.2004. Nothing has been placed on record to show the response or decision on the appeal. The writ petition has been filed after lapse of 18 years to challenge a part of the order dated 7.1.2004, without any satisfactory explanation of the delay.

3. In the meanwhile, the petitioner was punished in regard to other delinquency by the order dated 19.10.2009. A writ petition, being W.P.No.5181 of 2018, was filed to challenge the order dated 19.10.2009 and the same was disposed of on 9.3.2018 with direction to the respondent to consider and dispose of the representation of the petitioner dated 4.12.2017 in regard to the period of suspension. It was, however, not in reference to the punishment order dated 7.1.2004.

4. When the petitioner challenged the punishment order of the year 2009, it is not known why he had not challenged the punishment order of the year 2004 without delay. In the case on hand, the unexplained delay is of more than 18 years and, therefore, writ petition suffers from laches.

In view of the above, without entering into the other issues, the writ petition is dismissed on the aforesaid ground alone. There will be no order as to costs.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

Bbr

To:

1.The Registrar General,
High Court,
Chennai - 600 104.

2.The Principal District Judge,
Namakkal District.

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Copy to:

The Section Officer,
Legal Cell,
High Court, Madras.

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