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W.P.No.30762 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30762 of 2017

P.Bellarmino

...Petitioner

Vs.

1.The Secretary,
School Education Department,
Secretariat,
Fort St.George,
Chennai – 600 009.

2.The Director,
Elementary Education,
D.P.I.Campus,
Chennai – 600 006.

3.The District Elementary Educational Officer,
Trichy – 600 002.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 15.04.2017 by sanctioning one Bonus increment as incentive with effect from 05.08.2002 on completion of 30 years of service as the Graduate Headmaster of Panchayat Union Middle



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School with all arrears of Bonus increment as incentive together with the connected pension arrears with interest @ 6%.

For Petitioner : Mr.I.Arokiasamy
For Respondents : Mrs.S.Mythreyechandru
Special Government Pleader

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents to consider the representation of the petitioner dated 15.04.2017 by sanctioning one Bonus increment as incentive with effect from 05.08.2002 on completion of 30 years of service as the Graduate Headmaster of Panchayat Union Middle School with all arrears of Bonus increment as incentive together with the connected pension arrears with interest @ 6%.

2. The petitioner states that he was appointed as Graduate Headmaster at Panchayat Union Middle School at Alambakkam on 05.08.1972. Subsequently, he was transferred to various places as Graduate Headmaster.



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3. The petitioner retired as Graduate Headmaster on 30.09.2003 on attaining the age of superannuation.

4. The grievances of the writ petitioner is that he had completed 30 years of service as Graduate Headmaster and as per G.O.Ms.No.562, Finance (Pay cell) dated 28.09.1998, he is entitled for one bonus increment for the completion of 30 years of service as Graduate Headmaster in Panchayat Union Middle School. In this regard, the petitioner submitted a representation on 06.08.2002 and the said application was not considered by the competent authorities. Thereafter, he was submitted representation to various authorities and none of the applications were considered. Thus, the petitioner has chosen to file the present writ petition.

5. The learned Special Government Pleader appearing on behalf of the respondents relying on the counter affidavit, made a submission that the Government issued G.O.Ms.No.562, Finance (Pay Cell) Department dated 28.09.1998 for the sanction of Bonus Increment, only for the employees



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stagnating in a post beyond 30 years alone are entitled for one Bonus Increment. The petitioner was appointed in the post of Assistant Elementary Educational Officer on 01.07.1995 by transfer in the post of B.T. Middle School Headmaster. The petitioner has not served in the same post beyond 30 years. Hence, the request for sanction of bonus increment in the post of Assistant Elementary Educational Officer is not feasible of compliance.

6. It is further stated by the respondents that the Government order issued in G.O.Ms.No.562, Finance (Pay cell) Department dated 28.09.1998 for the sanction of Bonus Increment and the operative portion of the said Government orders is as follows:

“Accordingly, Government directs that employees stagnating in a post beyond 30 years (ie) employees stagnating in the special grade beyond 10 years be granted with one Bonus increment as an incentive”.

7. The petitioner was not stagnated for 10 years in the Special Grade post of B.T. Middle School Headmaster and he was promoted as Assistant Elementary Educational Officer and then reverted back as Head Master on



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his request, his position may not be considered as stagnated continuously in a post beyond 10 years and therefore, the petitioner is not entitled for the bonus increment as per the Government order.

8. Beyond the above issue, the writ petitioner admittedly retired from service on 30.09.2003 and the present writ petition has been filed after a lapse of 14 years from the date of his retirement. Though the petitioner has submitted representation in the year 2002, he slept over his right and now he cannot wake up and knock the doors of the Court. Such claims made beyond the reasonable period cannot be entertained. Thus, the writ petition is hitting by the principles of laches.

9. Even at the time of filing of the writ petition, the writ petitioner was aged about 71 years and now he would be around 76 years old. A Government employee is expected to redress the grievances within a reasonable period of time from the date of cause of action. It is not as if they can raise such claims beyond the reasonable period and it is possible that relevant records itself may not be available with the Department.



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WEB COPY 10. In the present case, the respondents filed a counter affidavit, stating that the petitioner cannot be considered as a stagnated employee, since he was promoted and on his own volition, he relinquished his promotion and that being the factum, he is not entitled. Therefore, the writ petition is liable to be rejected both on merits and on the ground of laches.

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

07.11.2022

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

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