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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.2632 of 2017
and
W.M.P.Nos.2587 of 2017

R.Muruganandam ... Petitioner

Vs.

1.The Commissioner
Greater Chennai Corporation
Rippon Buildings, Chennai – 600 003.

2.The Health Officer,
Greater Chennai Corporation,
Rippon Buildings, Chennai – 600 003.

3.The Assistant Director,
Local Fund Audit,
Greater Chennai Corporation,
Rippon Buildings, Chennai – 600 003.

4.The Secretary Government
Municipal Administration,
Water Supply Department,
Forst St. George, Chennai – 600 009. ... 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 of the 3rd respondent in O.Mu. No.4015/44/2009 dated 09.02.2010 and quash the

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same and consequently direct the respondents to pay the three years increment with interest at 18% p.a and also pay the enhancement of pension amount to the petitioner from the date of retirement on 30.06.2007 to till date.

For Petitioner : Mr.Anbalagan

For R1 to R3 : Ms.P.T.Rama Devi
Standing Counsel for Greater
Chennai Corporation

For R4 : Mrs.R.L.Karthika
Government Advocate

O R D E R

The order dated 09.02.2010 passed by the 3rd respondent is sought to be quashed by filing the present writ petition after a lapse of seven years from the date of passing of the order.

2. The petitioner remained unauthorisedly absent for long duration and the departmental disciplinary proceedings were initiated and the said proceedings were concluded in the year 2005, imposing the penalty of stoppage of increment for 3 years without cumulative effect. The punishment was also implemented. The petitioner attained the age of superannuation on 30.06.2007 and retired from service.

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3. The grievance of the writ petitioner is that on account of implementation of punishment during the fag end of his retirement, he was unable to get benefits of increment in pensionary benefits.

4. The facts remains that the petitioner was allowed to retire from the service in the year 2007. The departmental disciplinary proceedings were concluded in the year 2005. The order passed in the year 2010, rejecting the claim of the writ petitioner for grant of increment is challenged after a lapse of about 7 years from the date of passing of the order. Therefore, the writ petition is liable to be rejected on the ground of latches.

5. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

31.10.2022

Jeni

Index : Yes
Speaking order

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To

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S.M.SUBRAMANIAM, J.

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