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W.P.No.27416 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27416 of 2017

R.S.Gopala Krishnan

... Petitioner

Vs.

1.Chief Education Officer,
Chennai – 600 015.

2.Joint Director of School Education,
College Road,
Chennai – 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records in Letter in Na.Ka.No.485/A1/2016 dated 14.06.2017 on the file of 1st respondent and Letter in O.M.No.39321/C2/E1/2016 dated 13.09.2017 on the file of 2nd respondent quash the same and issue directions directing the respondents to extend the benefits of GO.Ms.210 Personal Administrative Reforms 11.03.1987 GO.Ms.281 Finance (Pay cell) dated 02.04.1987, GOMs.304 Finance dated 28.03.1990 and GO.Ms.669 Finance (CMPC) dated 13.12.2006 by directing the respondents to pay pensionary benefits taking into consideration the length of service of the petitioner.



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For Petitioner : Mr.V.Chandrakanthan
For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

The writ on hand has been instituted questioning the validity of the order dated 14.06.2017 passed by the 1st respondent and subsequent order dated 13.09.2017 on the file of the 2nd respondent.

2. The grievance of the writ petitioner is that the Special Grade benefits for which he is entitled was denied to him, when he was in service.

3. The learned counsel for the petitioner made a submission that the Special Grade was not awarded to the writ petitioner during the relevant point of time and on completion of 20 years of service. Thus, the petitioner made representation on several occasions, which were not considered by the competent authorities and finally, the petitioner has chosen to file the present writ petition.



4. This Court is of the considered opinion that the petitioner was a Government employee and a literate person. The grievance regarding the service matters are to be redressed within a reasonable period of time. A Government employee, if at all aggrieved, he has to approach the competent authorities at the first instance and if his grievances are not redressed, then he has to approach the Court of Law as the case may be by following the procedures. An employee, who slept over his rights for long years, cannot wake up one fine morning and knock the doors of the Court and such stale claims, if entertained would result in wrong precedent and therefore, the enormous delay in the present case is vital and sufficient to reject the claim of the writ petitioner.

5. The petitioner, who served in the Education Department as a Teacher and retired from service in the year 1988. As per the writ petitioner, he had submitted a representation to the competent authorities only during the year 2013 after a lapse of about 15 years from the date of his retirement. The representation was rejected by the competent authorities as the petitioner was not eligible for grant of Special Grade during the relevant point of time.



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6. The order impugned cannot be considered as a cause of action. The cause of action aroused for the petitioner, when the benefit of special grade was denied, while he was in service. Thus, the petitioner ought to have redressed his grievances, while he was in service and now at the age of 93 years, the case of the petitioner cannot be considered as it is stick by the principles of laches.

7. Accordingly, the Writ Petition stands disposed of. No costs.

28.10.2022

Jeni

Index : Yes
Speaking order

To

- 1.The Chief Education Officer,
Chennai – 600 015.
- 2.The Joint Director of School Education,
College Road,
Chennai – 600 006.



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S.M.SUBRAMANIAM, J.

Jeni

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