



W.P.No.26849 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26849 of 2018

M.Fernandez

... Petitioner

Vs.

1.The Principal Secretary and Secretary to Government,
Public Department,
Secretariat,
Fort St. George,
Chennai – 9.

2.The Principal Secretary and Secretary to Government,
Revenue Department,
Secretariat,
Fort St. George,
Chennai – 9.

3.The Principal Secretary and the
Commissioner for Revenue Administration,
Ezilagam, Chennai – 5.

4.The District Collector,
Kanchipuram District,
Kancheepuram.

... Respondents



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Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to re fix the seniority of the petitioner in the list of Deputy Tahsildar of the erstwhile composite Chengalpattu District presently Kancheepuram District for the year 1980 as per G.O.Ms 133 revenue department dated 7/2/1995 and the consequential seniority positions in the post of Tahsildar, Deputy Collector and District Revenue Officer as sought vide representation dated 08.07.2018.

For Petitioner : Mr.N.A.Nissar Ahmed
For R1 to R4 : Mr.S.Rajesh
Government Advocate

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 to 4 to re-fix the seniority of the petitioner in the list of Deputy Tahsildar of the erstwhile composite Chengalpattu District presently Kancheepuram District for the year 1980 as per G.O.Ms 133 revenue department dated 7/2/1995 and the consequential seniority positions in the post of Tahsildar, Deputy Collector and District Revenue Officer as sought vide representation dated 08.07.2018.



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2.The petitioner filed the present writ petition at the age of 68 years and after a lapse of about 10 years from the date of retirement. Now he would be around 73 years. The relief sought for is to refix the seniority and such belated claims cannot be entertained by the Courts. A person who slept over his grievances cannot wake up and knock the doors of the Court after several years and in the event of refixing the seniority at belated point of time, it would result in prejudice to the other employees and the consequences and repercussions will be larger. Even as per the Rules, the dispute relating to seniority are to be settled, within a period of three years and the aggrieved employees have to approach the authorities, within the said period for redressal of their grievances. However, in the present case, the petitioner failed to do so and filed the present writ petition after a lapse of three years from the date of retirement and at this length of time, his claim for refixation of seniority cannot be considered. More so, settled seniority cannot be unsettled after several years.



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3. Accordingly, this writ petition stands dismissed. No Costs.

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Index : Yes
Internet : Yes
Speaking order : Yes
ssr

To

1. The Principal Secretary and Secretary to Government,
Public Department,
Secretariat,
Fort St. George,
Chennai – 9.
2. The Principal Secretary and Secretary to Government,
Revenue Department,
Secretariat,
Fort St. George,
Chennai – 9.
3. The Principal Secretary and the
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4. The District Collector,
Kanchipuram District,
Kancheepuram.



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S.M.SUBRAMANIAM, J.

SSR

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