



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.10774 of 2019

WEB COPY

M.George Dhas

... Petitioner

vs.

1.The Principal Secretary /
State Commissioner for Differently Abled
Commissionerate for the Welfare of Differently Abled
Lady Wellington College Campus
Kamarajar Salai, Chennai-600 005

2.The Principal Accountant General
Accountant General Office (A&E)
No.361, Anna Salai
Teynampet, Chennai-600 018

3.District Differently Abled Welfare Officer
District Differently Abled Welfare Office
Kanniyakumari District, Nagercoil

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records pertaining to the order passed by the 1st respondent herein in Se.Mu.Order No.3823/Mathina.2.1/2011 dated 31.05.2012 and quash the same as illegal and for consequential direction directing the respondents 1 and 2 herein to Refund the sum of Rs.75,000/- which was illegally deducted from the petitioner's Death-cum-Retirement Gratuity along with 9% interest from 22.01.2013 to till the date of realization within a period prescribed by this Court.

For Petitioner : Mr.D.Srinivasa Raghavan

For Respondents : Mr.N.Satheesh Kumar

Additional Government Pleader

O R D E R

The impugned order of recovery passed by the first respondent, dated 31.05.2012, is sought to be quashed in this writ petition.

2. The petitioner was appointed as Junior Assistant and promoted to the post of Assistant in the Department of Social Welfare. He was further promoted as Social Worker / Junior Rehabilitation Officer and posted in the Office of the District



Social Welfare, Nagercoil. The petitioner was allowed to retire from service on 31.05.2012. While so, the Head of the Department of Commissionerate for the Welfare of Differently Abled noticed that the maintenance amount allotted under the scheme to provide assistance to the differently abled persons was not accounted for by the petitioner. Therefore, there was a financial loss to the State Exchequer and in order to recover the financial loss, the impugned recovery order was issued.

3. It is brought to the notice of this Court that the amount was recovered in lump sum during January, 2013 by the Department. However, the petitioner has not chosen to challenge the same for more than seven years. The impugned order of recovery was issued on 31.05.2012 and the amount was recovered during January, 2013.

4. In this regard, the learned counsel for the petitioner made a submission that the copy of the impugned order was not served to the petitioner during the relevant point of time and after great difficulty and by filing application under the Right to Information Act, 2005, the petitioner secured the copy of the order. Further, it is contended that the petitioner was not issued with any show cause notice for the purpose of defending his case. Undoubtedly, those grounds may be valid grounds, but the petitioner has not redressed his grievance within a reasonable period of time.

5. The petitioner was working in a responsible position in the Government Department. An employee, who slept over his rights for several years, cannot wake up one fine morning and knock at the doors of the Courts for the purpose of redressal of his grievance. Such belated writ petitions need not be entertained and it would cause prejudice to the interest of the other parties.

6. In the present case, the irregularity was identified in the year 2007, the impugned order was passed in the year 2012, the amount was recovered from the petitioner in the year 2013 and the writ petition was filed in the year 2019, after a lapse of six years. The reasons stated by the petitioner are neither candid nor convincing.

7. Therefore, the writ petition stands dismissed on the ground of delay and laches. No costs.

Sd/-

Assistant Registrar (T&P)

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/ /2022

Sub Assistant Registrar(CS)

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To:

1.The Principal Secretary /
State Commissioner for Differently Abled,
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Kamarajar Salai, Chennai-600 005.

2.The Principal Accountant General,
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No.361, Anna Salai,
Teynampet, Chennai-600 018.

3.District Differently Abled Welfare Officer,
District Differently Abled Welfare Office,
Kanniyakumari District, Nagercoil .

+1 CC to M/s.M.MURUGA PRABHU, Advocate (SR-5494[F] dated
11/02/2022)

+1 CC to M/s.SPL.GP (SR-5668[F] dated 11/02/2022)

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