



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.4520 of 2019

WEB COPY

N.Seshathiruvankadam

... Petitioner

vs.

1.The State of Tamil Nadu
rep.by its Secretary to Government
Education Department
Fort St.George, Chennai-9

2.The Director of Elementary Education
College Road, Chennai-6

3.The District Educational Officer
Dindugal

4.The Block Educational Officer
Dindugal Nagar

5.The Secretary
Thirunamperumal Middle School
Dindugal Nagar, Dindugal District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the entire records made in G.O.(ID) No.1, School Education (B1) Department, dated 03.01.2000 passed by the 1st respondent in so far as the impugned condition fixing the scale of pay of the petitioner at B.T. Scale for a period of five years from 22.06.1998 to 25.06.2003 and Quash the same and consequently direct the respondents to pay Middle School Headmaster pay scale to the petitioner for the period of five years from 22.06.1998 to 25.06.2003 in light of the order passed in W.P.(MD) No.4319 of 2012 dated 03.04.2014.

For Petitioner : Mr.T.Pon Ramkumar

For Respondents : Mr.V.Om Prakash
Government Advocate for R1 to R4
No appearance for R5



O R D E R

The Government Order in G.O.(ID) No.1, School Education (B1) Department, dated 03.01.2000, passed by the first respondent, imposing certain conditions for fixation of scale of pay, is under challenge in this writ petition.

2. In the impugned Government Order, certain conditions regarding fixation of pay have been imposed and relaxation of rules has also been granted. Relaxation of rules itself is the concession extended to the employees. But, the fixation of pay was done on certain terms and conditions.

3. The learned counsel for the petitioner states that the conditions imposed are not in consonance with the principles and further the similar cases were considered by the Government and the pay was retrospectively fixed.

4. This Court is of the considered opinion that the facts and circumstances of cases are to be considered independently. In the present case, the impugned Government Order was passed on 03.01.2000 and accepting the conditions imposed in the said Government Order, the petitioner has served about nineteen years. However, he submitted a representation only on 19.08.2014 to extend the benefit of the Government Order. Extension of benefit cannot be sought for belatedly. Any such service benefits are to be redressed within a reasonable time. In the present case, the impugned Government Order was passed in the year 2000 and the representation was submitted in the year 2014, after a lapse of nearly fourteen years from the date of issuance of the impugned Government Order and the present writ petition was filed in the year 2019 after about five years from the date of submission of the representation, which clearly shows that at every stage, the petitioner has not pursued the matter vigilantly.

5. 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. If at all the petitioner is willing to pursue his remedy, he is at liberty to approach the Authority concerned and redress his grievances in the manner known to law.

6. With the above liberty, the writ petition is dismissed on the ground of laches. No costs.

Sd/-

Assistant Registrar (CS I)

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/ /2022

Sub Assistant Registrar(CS)

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To:

1.The Secretary to Government,
Education Department,
Fort St.George, Chennai-9.

2.The Director of Elementary Education,
College Road, Chennai-6.

3.The District Educational Officer,
Dindugal.

4.The Block Educational Officer,
Dindugal Nagar.

+1 CC to M/s.T.PON RAMKUMAR, Advocate (SR-6648[F] dated
17/02/2022)

+1 CC to M/s.SPL GP (SR-6774[F] dated 17/02/2022)

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16.02.2022

MGJ(24.02.2022) 3P 7C