



W.P(MD)No.15221 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15221 of 2020

A.Anthonisamy

... Petitioner

Vs.

1.The State of Tamil Nadu
rep. by its Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai.

2.The Director of Rural Development and Panchayat Raj,
O/o. the Director of Rural Development and Panchayat Raj,
Panagal Building,
Saidapet, Chennai-15.

3.The District Collector,
Dindigul District,
Dindigul.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the impugned order in Na.Ka.No.4160/2016/Voo.Va.1 dated 29.1.2018 on the file of the respondent no. 3 and quash the same as illegal and consequently for a direction, directing the respondent No. 1 to grant notional promotion to the petitioner in the post of Assistant Director in the light of the memo issued by the respondent no.3 vide his proceedings Pa.Ve.1023/96/Oo.Va.1(3) dated



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1.8.1996 and the another memo issued by the respondent no.3 vide his proceedings Pa.Ve.no.1023/96/OoVa.1(2) dated 1.8.1996 with all consequential benefits within the time stipulated by this Court.

For Petitioner : Mr.C.Sundara Vadivel

For Respondents : Mr.A.K.Manikkam
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The writ petitioner joined the Department as Junior Assistant in 1998. He became Assistant in the year 2003. He retired from service in the year 2016. After his retirement, the petitioner came to know that one Srinivasan was illegally promoted as Assistant in violation of the Service Rules. According to the petitioner, the said Srinivasan should in all fairness rank below him. Therefore, the petitioner claims promotion and wants to be placed above Thiru.Srinivasan. Since the said request was rejected by the impugned order, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to quash the impugned order and grant relief as prayed for.



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4. I am not persuaded by the submission of the learned counsel appearing for the petitioner. As rightly pointed out by the learned Special Government Pleader, even if the Court were to come to the conclusion that promotion of Srinivasan to the post of Assistant was illegal, the same will not give right to the petitioner herein. An irregularity committed in respect of another employee cannot be the basis or foundation for granting relief to the petitioner.

5. Coming to the merits of the matter, the learned Special Government Pleader would point out that the said Srinivasan entered the department way back in the year 1985 as Junior Assistant and he was promoted as Assistant on 20.11.1987. Therefore, by no stretch of imagination, can the petitioner compare himself with the said Srinivasan. The case of the petitioner is hopelessly barred by limitation. In any event, when the petitioner raked up this issue, he had already retired from service. It is well settled that stale claims should not be revived.

6. In this view of the matter, the Writ Petition is dismissed. No costs.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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WEB COPY

To

- 1.The Secretary to Government,
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Secretariat, Chennai.
- 2.The Director of Rural Development and Panchayat Raj,
O/o. the Director of Rural Development and Panchayat Raj,
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