



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:26.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.18468 of 2019
and WMP (MD) No.14883 of 2019

WEB COPY

P.Chinnaiah

... Petitioner

Vs.

1.The Superintending Engineer (Metro)
Tamilnadu Generation and Distribution Corporation
Mannarpuram
Tiruchirappalli.

2.The Executive Engineer (Urban)
Tamil Nadu Generation and Distribution Corporation
Tennur
Tiruchirappalli.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the first respondent to restore the seniority of the petitioner as found in the seniority list of the year 2003 or to any nearer position and to place the petitioner in the proper seniority list promoting him in the post of foreman from the post of Line Inspector with retrospective effect since 2003 and consequently direct the respondents to pay the petitioner difference in wages or salary accordingly that are due to the petitioner.

For Petitioner : Mr.S.K.Mani

For Respondents : Mr.S.Arivalagan
Standing Counsel

ORDER

The relief sought for in the present writ petition is to direct the respondent to restore the seniority of the petitioner as found in the seniority list of the year 2003 or to any nearer position and to place the petitioner in the proper seniority list promoting him in the post of foreman from the post of Line Inspector with retrospective effect since 2003 and consequently direct the respondents to pay the petitioner difference in wages or salary accordingly that are due to the petitioner.

2.The petitioner is a retired line Inspector and he was allowed to retire from service on attaining the age of superannuation. The grievance of the writ petitioner is that his seniority during the



year 2003 was erroneously fixed. Thus, the seniority fixed in the year 2003 to be restored and all consequential promotions are to be granted including the revision of pay and pensionary benefits.

3. Courts have repeatedly held that settled seniority cannot be unsettled after a lapse of many years. The petitioner has not initiated any appropriate steps to redress his grievances during the relevant point of time. Contrarily, he filed the present writ petition after a lapse of 18 years from the date of fixation of seniority and more so, after attaining the age of superannuation. Such claims cannot be entertained, as in the event of any interference would cause greater repercussion in respect of many other employees, who are all working for long years as per the seniority. Those persons likely to be appointed are also not parties in the writ petition. Thus, the petitioner, who has slept over his right of seniority, cannot now wake-up in one fine morning and knock the doors of the Court. Such belated claims cannot be entertained. If such claims are entertained, it would cause prejudice to the persons, who are all likely to get promotion, based on their seniority and therefore, settled position cannot be unsettled, after a lapse of many years. Thus, the petitioner has not made out any case.

4. Accordingly, the writ petition stands dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar(CS)

RR

To

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