



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No. 24704 of 2019

K.Arun Prasad

... Petitioner

Vs.

1. The Secretary to Government,
Health and Family Welfare (AA1) Department,
Secretariat,
Chennai - 600 009.

2. The Director of Medical Education,
Kilpauk,
Chennai - 600 010.

3. The Dean,
Madurai Medical College,
Madurai - 625 020.

... Respondents

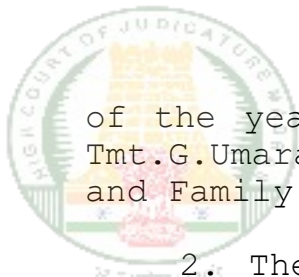
PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the first respondent, i.e., Secretary to Government, Health and Family Welfare (AA1) Department, Chennai to refix the seniority of the petitioner in the cadres of Tutor in Pharmacy, Assistant Professor and Associate Professor on par with the departmental promotees, i.e., Tmt.G.Umarani and Thiru K.Ramesh Kumar as ordered in G.O.(D)No.534, Health and Family Welfare (AA1) Department dated 23.04.2007.

(prayer amended as per order of this Court dated 16.02.2022 in W.M.P. (MD) No. 2988 of 2020 in W.P. (MD) No. 24704 of 2019 by SMSJ)

For Petitioner : Mr.C.Balasubramanian
For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

O R D E R

The relief sought for in the present Writ Petition is to direct the first respondent / Secretary to Government, Health and Family Welfare (AA1) Department, Chennai to pass appropriate orders on the petitioner's representation dated 11.08.2019 regarding inclusion of the name of the petitioner in the approved list of Tutor in Pharmacy



of the year 2003-04 on par with similarly placed promotees, i.e., Tmt.G.Umarani and Thiru K.Ramesh Kumar, as per G.O.(D)No.534, Health and Family Welfare (AA1) Department dated 23.04.2007.

2. The petitioner states that he is working as a Lecturer in the College of Pharmacy in Madurai Medical College, Madurai and was on deputation at Madras Medical College, Chennai. The claim of the writ petitioner is to include his name in the approved list of Tutor for promotion of the year 2003-04. The relief sought for in the Writ Petition indicates that the alleged juniors namely G.Umarani and K.Ramesh Kumar were given the benefit of promotion on 23.04.2007 by including their names in the panel of the year 2003-04. Thus, the claim of the petitioner for inclusion of his name in the year 2003-04 cannot be considered, now after a length of about 17 years, further more, the juniors were promoted in the year 2007. Thus, the claims set out in the Writ Petition are belated and liable to be rejected on the ground of laches. The employee is expected to redress his grievances within a reasonable period of time. A person slept over his rights cannot wake up one fine morning and knock the doors of the Court for the purpose of relief. Such stale claim cannot be entertained so as to cause prejudice to the other employees who all are waiting for promotion to the higher post. Thus, the likelihood of prejudice to be caused to the other employees on account of entertaining such claim after lapse of many years is also to be considered by the Court, while admitting the Writ Petition. This being the factum, this Writ Petition itself is belated and accordingly, dismissed on the ground of laches.

3. Even in the amendment petition filed seeking amendment of the prayer sought for in the original Writ Petition, the petitioner seeks revision of seniority. When this Court is of an opinion that all such claims are belated which cannot be considered even as per amendment prayer, no relief needs to be granted.

4. Accordingly, this Writ Petition is dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vji



To

1. The Secretary to Government,
Health and Family Welfare (AA1) Department,
Secretariat,
Chennai - 600 009.

2. The Director of Medical Education,
Kilpauk,
Chennai - 600 010.

3. The Dean,
Madurai Medical College,
Madurai - 625 020.

+1 CC to M/s.SPL GP (SR-6825[F] dated 17/02/2022)

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SB (CO)

GC(15.03.2022) 3P 5C