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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.1600 of 2023

M.Narasimhan

Petitioner

vs.

1.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
Head Office, No.31, Kamaraj Salai,
Chepauk, Chennai – 5.

2.The Secretary cum General Manager,
Tamil Nadu Water Supply and Drainage Board,
Head Office, No.31, Kamaraj Salai,
Chepauk, Chennai – 5.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay the revised basic pay and extending this benefit event to the similarly placed persons as per G.O. 762 dated 28.08.1986 B.P. No.505 dated 12.12.1986, Tamil Nadu Water Supply and Drainage Board, along with cumulative basic pay with arrears, settlement arrears, retired monetary benefits, Gratuity, earnest leave arrears of salary amount, dearness allowance with 12 percent interest per annum from the date of the appointment.

For Petitioner : Ms.V.Srimathi

For Respondents : Mr.M.Pradeep Shankar
Standing Counsel



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ORDER

This writ petition has been filed for issue of writ of mandamus directing the first respondent to consider the representation made by the petitioner on 08.11.2022, wherein, the petitioner has sought for paying his revised basic pay as per G.O.Ms.No.762, dated 28.08.1986 and BP No.505, dated 12.12.1986 along with arrears and other monetary benefits with interest.

2.The case of the petitioner is that he joined as a Junior Assistant in the year 1986 and thereafter, he was posted as a Helper and he was re-designated as an Assistant Driller in the year 1988. The petitioner ultimately attained superannuation and retired on 30.06.2018 as a Junior Assistant.

3.The grievance of the petitioner is that his basic pay was fixed as Rs.505 instead of pay scale between Rs.610-1075 in the year 1986 and the said mistake had to be rectified and the petitioner must be given all the attendant benefits. Since the representation made by the petitioner in this regard was not considered by the respondent, the present writ



petition has been filed before this Court seeking for appropriate directions.

4.Heard Ms.V.Srimathi, learned counsel appearing on behalf of the petitioner and Mr.M.Pradeep Shankar, learned Standing Counsel appearing on behalf of the respondents.

5.In the considered view of this Court, the present writ petition is liable to be dismissed on the simple ground of laches. The petitioner is questioning the wrong fixation of a basic pay which was effected in the year 1986, after his retirement. The petitioner retired in the year 2018 and from the records it is clear that the first representation that was made by the petitioner was only in the year 2021. Representation of this nature can never be entertained and a person who has not diligently worked out his remedy, cannot be allowed to wake up after a deep slumber and undo a settled position.

6.In the considered opinion of this Court, the petitioner who should have raised the issue when he was in employment, failed to do so



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N. ANAND VENKATESH, J.

SSR

and he woke up only after he retired from service and is seeking for revision of his basic pay from the year 1986. There are absolutely no merits in the claim made by the petitioner.

7.In the result, this writ petition stands dismissed. No Costs.

24.01.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
SSR

To

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