



W.P(MD)No.9552 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9552 of 2023

Mohan

... Petitioner

Vs

The Director of School Education,
Office of the Directorate of School Education,
DPI Compound,
College Road,
Chennai – 06.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to modify the date of Probation from 01.01.2000 to 18.08.1988 which is the date of the completion of Bavanisagar Training and further directed the respondent to pay all the increment from the date of completion at Bavanisagar Training dated 18.08.1988 based on the petitioner's representation dated 28.01.2021.

For Petitioner : Mr.S.Karthik

For Respondent : Mr.N.Satheeskumar
Additional Government Pleader



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ORDER

Heard the learned counsel on either side.

2. The petitioner was appointed as Junior Assistant in a Government Higher Secondary School on 13.12.1982. The petitioner completed Bhavani Sagar Training on 18.08.1988. The case of the petitioner is that he became eligible for basic increment from the date of completion of the said training. His grievance is that the authorities erroneously declared the completion of probation as 31.12.1989. He is eligible for increment from 01.01.2000. The petitioner's case would have deserved consideration of merits, if he had come in time. He did not do so. The petitioner admittedly retired wayback in 2010. He thereafter filed W.P(MD)No.11845 of 2011 for consideration of his representation and pursuant to the direction given in the said writ petition G.O(1D) No.315 School Education Department dated 05.09.2012 was issued, whereby it was held that the petitioner became eligible for increment with effect from 01.01.2000. The petitioner also probably got the corresponding monetary benefits.



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3. Be that as it may, instead of questioning this Government Order directly and in time, the petitioner chose to keep quiet for 11 more years. He submitted the representation in the meanwhile and filed this writ petition for directing the respondent to pass order on his representation. The learned Additional Government Pleader is right in his contention that once a person has retired from service, the matter has to be dealt with only by the Government. The respondent alone cannot grant relief. In such circumstances, I would normally even *suo motu* implead the Government and proceed to consider granting relief. I do not want to adopt such approach in this case for the simple reason that the writ petition is barred by laches. It is true that the doctrine of laches will not be invoked if third party rights have not intervened in the meanwhile. I am not inclined to show indulgence to the petitioner. He is aged about 71 years. At this stage, even reconstruction of the relevant service particulars would be next to impossible. In any event, matters such as declaration of probation, conferment of increment, determining one seniority, etc should be adjudicated within a reasonable time. Even if the adjudication process may take time, the dispute should have been lodged before the Court concerned within a reasonable time. This Court cannot entertain stale matters. I decline to interfere.



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4. This writ petition is dismissed. There shall be no order as to costs.

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Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

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G.R.SWAMINATHAN, J.

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