



W.P.(MD)No.14019 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14019 of 2023

Muthiah

... Petitioner

Vs.

1.The Director General of Police,
Tamilnadu, Chennai – 600 004.

2.The Superintendent of Police,
Sivagangai District.

3.The Additional Superintendent of Police,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertain to the impugned order passed by the 2nd respondent in D.O.598/2014 C.No.F5/13358/2014 dated 16.05.2014 and quash the same and consequently directing the respondents to pay the arrears of salary based on the upgradation given to the petitioner in the post of Head Constable w.e.f. 07.12.1999 instead of 28.10.2004 and in the post of Special Sub-Inspector of Police w.e.f. 07.01.2010.



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W.P.(MD)No.14019 of 2023

For Petitioner : Mr.G.Sarath Kumar

For Respondents : Mr.G.Suriyananth,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The petitioner joined the Police Department as Grade II Police Constable on 14.04.1980. He became Grade I Police Constable in the year 1994. He was promoted as Head Constable in the year 2004. Since he was facing disciplinary action, his further promotion to the post of Special Sub-Inspector of Police was deferred. The punishment imposed on the petitioner was eventually set aside in W.P.(MD)No.5604 of 2009. The matter was remanded to the file of the authority for fresh consideration. The punishment imposed on the petitioner was set aside and the charge was held to be not proved. The petitioner retired from service on 30.06.2013. Since the punishment on him had been set aside, the petitioner approached the second respondent for advancing the promotion already granted to him. His request was favourably



W.P.(MD)No.14019 of 2023

considered and on 16.05.2014, proceedings were issued. The pay fixed in the case of the petitioner was also furnished in the Annexure enclosed in the said proceeding. This is put to challenge in this writ petition.

3.The learned counsel for the petitioner submitted that even though the promotion given to the petitioner was advanced, he was not given the corresponding pay.

4.The grievance of the petitioner might as well be justified, but then, the proceedings dated 16.05.2014 clearly mentions that since the petitioner had retired on 30.06.2013 monetary benefits will take effect only in pension and that no arrears is payable. Such a proceedings ought to have been challenged within a reasonable time. The petitioner has moved this Court after a gap of nine years. It is true that the provisions of the Limitation Act will not apply to writ proceedings. But then, the doctrine of laches will very much apply. The Writ Court cannot be entertaining stale matters. The petitioner is now aged about 68 years. He has chosen to keep quiet for full nine years. I decline to exercise my discretion in favour of the petitioner at this point of time.



W.P.(MD)No.14019 of 2023

G.R.SWAMINATHAN,J.

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5.This writ petition is dismissed on the ground of laches. No costs.

15.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:-

- 1.The Director General of Police,
Tamilnadu, Chennai – 600 004.
- 2.The Superintendent of Police,
Sivagangai District.
- 3.The Additional Superintendent of Police,
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W.P.(MD)No.14019 of 2023