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W.P.No.8306 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.BHARATHA
CHAKRAVARTHY**

Writ Petition No.8306 of 2024
and W.M.P.Nos.9271 & 9274 of 2024

Michael Alfred

... Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai – 600 003.

2. The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Secretariat,
Chennai – 600 009.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of punishment issued by the 1st respondent in G.D.Na.Ka.No.E2/11220/2009, dated 30.11.2011 and the consequential orders issued by the Government in G.O.(D).No.17, MAWS Department, dated 12.01.2015, G.O.(D).No.244, MAWS Department dated 10.06.2016, G.O.(D).No.259, MAWS Department dated 22.06.2018 and finally the Letter issued by the Government in



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Letter No.2597/MC.3/2022-5, MAWS Department, dated 02.02.2024 and quash the same and consequently direct the 1st and 2nd respondents to consider the name of the petitioner for promotion as Additional Revenue Officer which he held on additional charge from 06.12.2010 till his retirement on 29.02.2012 as per the proceedings of the Commissioner issued in G.D.Na.Ka.No.E2/34565/2010 dated 06.12.2010, with all terminal and service benefits, within a reasonable period as may be fixed by this Court.

For Petitioner : Mr.T.Ranganathan

For Respondents : Ms.Aswini Devi [R1]

Mr.Stalin Abhimanyu
Additional Govt.Pleader [R2]

ORDER

The writ petitioner challenges the impugned orders dated 30.11.2011, whereby a punishment of increment cut for a period of six months was imposed on the petitioner, the order in appeal dated 12.01.2015, the order in review dated 10.06.2016, the order in further humanitarian reconsideration dated 22.06.2018 and thereafter, another order rejecting the petitioner's representation dated 05.01.2021 and the final order dated 02.02.2024.

2. It is the contention of the petitioner that only to avoid granting



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him promotion, flimsy charges were framed on him and a minor punishment was imposed on him.

3. Be that as it may, when the punishment order was passed in the year 2011 and when the appeal filed by the petitioner was dismissed in the year 2015 and his further review has also been dismissed in the year 2016, the petitioner ought to have approached this Court immediately. However, after a period of eight years i.e., in the year 2024 this writ petition is filed.

4. The explanation submitted by the learned counsel for the petitioner is that, the petitioner had made further representations and filed review petition, which were disposed of only recently by the impugned order dated 02.02.2024, therefore, the writ petition does not suffer from laches.

5. I am unable to accept the said submission. By merely making repeated representations and reviews, petitioner cannot plead fresh cause of action.

6. The first order of punishment is in the year 2011 and 13 years



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already been lapsed. Even taking the review petition filed by the petitioner and the same was disposed of in the year 2016.

7. In view thereof, the petitioner cannot challenge the action belatedly after retirement. Therefore, the writ petition is dismissed on the ground of laches. No costs. Connected miscellaneous petitions are closed.

01.04.2024

Index: Yes
Speaking Order: Yes
Neutral Citation: No
mp

To

1. The Commissioner,
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Chennai – 600 003.
2. The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Secretariat,
Chennai – 600 009.

D.BHARATHA CHAKRAVARTHY, J.

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