



W.P.No.1576 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.1576 of 2024

R.Srinivasan

Petitioner

Versus

1.The Chairman TNEB(cum) Managing Director,
Old No.800, New No.144, NPKRR Maaligai,
10th Floor, Eastern Wing, Anna Salai,
Chennai 600 002

2.The Chief Engineer/Pesonal,
Old No.800, New No.144, NPKRR Maaligai,
8th Floor, Eastern Wing, Anna Salai,
Chennai 600 002

Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the respondents to pass orders on the representation dated 16.12.2022 by considering the petitioner's case sympathetically and revise the petitioner's pay pension



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and pensionary benefits as per 12(3) Settlement dated 15.10.2005 and as per the GO.No.1460 dated 19.11.1973.

For Petitioner : Mr.V.Anthony Elangovan

For Respondents : Mr.K.Rajkumar,
Standing Counsel

ORDER

This writ petition has been filed for direction to the respondents to pass orders on the representation submitted by the petitioner on 16.12.2022.

2. The petitioner had joined in the service as Attender on 20.04.1964 in the erstwhile Madras State Electricity Board under 10a(1) of Madras State Subordinate Service Rules. He had completed the probation on 04.05.1967. While in service, his temporary service was not counted for grant of increment. According to the petitioner, it has to be counted for the purpose of grant of increment as per GO No.1460 dated 19.11.1973. Therefore, the petitioner submitted representation. Further the pay revision was effected with effect from 01.12.2002 as per the



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settlement dated 15.10.2005 and board proceedings (Ch) No.223 dated 21.11.2009. The settlement dated 15.10.2005 was effected for a period of five years with effect from 01.12.2002. The petitioner was retired from service on 30.04.2003. He made representation on 16.12.2022.

3. Admittedly, the petitioner was retired from service on 30.04.2003. While he was in service, he failed to claim the period during which he worked temporarily for granting increment and other benefits. The delay and laches is relevant fact for court of law to determine the question as to whether the claim of the applicant deserves consideration. Delay and / or laches on the part of a Government servant may deprive him of the benefit which had been given to others. Article 14 of Constitution of India would not, in a situation of that nature, be attracted as it well known that law leans in favour of those who are alert and vigilant. Therefore, the representation dated 16.12.2022 which was submitted after period of 17 years from the date of his retirement cannot be considered and the writ petition is devoid of merits. As such, the writ petition is liable to be dismissed.



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4. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

30.01.2024

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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To

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G.K.ILANTHIRAIYAN, J.

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