



W.P.No.27357 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.27357 of 2024

and

W.M.P.No.29848 of 2024

Krishnamoorthy V

.. Petitioner

Vs.

- 1.The Chairman,
TamilNadu Industrial Development Corporation,
No 19A, Rukmani Lakshmipathy Road,
Egmore,
Chennai – 600 008.
- 2.The Managing Director,
TamilNadu Industrial Development Corporation,
No 19A, Rukmani Lakshmipathy Road,
Egmore, Chennai – 600 008.
- 3.The General Manger,
Administration and Land Acquisition,
TamilNadu Industrial Development Corporation,
No 19A, Rukmani Lakshmipathy Road,
Egmore,
Chennai – 600 008.
- 4.Joint Director / General Manager / Project Director,
SIPCOT, Project Office,
SIPCOT INDUSTRIAL PARK,
Cuddalore.

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of order passed by the 3rd respondent in E3/mis/116/2002 dated 05.06.2007 and to quash the order of punishment of “stoppage of increment with cumulative effect for three years” and consequently direct the respondents 1 to 3 to pay the arrears, fixation of pension on the revised salary in accordance to the increment denied within a time frame fixed by this Court.

For petitioner : Mr.S.Gunasekar

ORDER

This writ petition has been filed challenging the proceedings of the 3rd respondent dated 05.06.2007 wherein the 3rd respondent had imposed the punishment of stoppage of increment for three years with cumulative effect and for a consequential direction to the respondents to pay the arrears and to fix the pension on the revised salary.

2.Heard the learned counsel for the petitioner.

3.In the instant case, the disciplinary proceedings were initiated against the petitioner pursuant to the order of suspension that was passed in the year 2007. Parallely the petitioner also faced trial in the Criminal



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Case in C.C.No.136 of 2004 before the learned Judicial Magistrate No.I, Tindivanam. In this criminal case, the petitioner was acquitted from all charges by a judgment dated 11.06.2007. The petitioner did not choose to challenge the order of punishment imposed against him while he was in service. Ultimately, the petitioner attained superannuation on 31.07.2023. It is only at that point of time, the petitioner had chosen to make a representation and thereafter, the present writ petition has been filed in the year 2024.

4.In the considered view of this Court, this Writ Petition is clearly hit by latches. There is absolutely no reason as to why the petitioner had waited till the year 2024 to challenge the order of punishment that was imposed in the year 2007. Even if the petitioner was entitled for consideration on the ground that he was acquitted from the criminal case, the judgment was passed in the criminal case in the year 2007. Therefore, nothing prevented the petitioner to approach the concerned authorities and workout his remedy before the competent Court challenging the order of suspension of the year 2007. The fact that the petitioner had chosen to become active from the year 2023 shows that the petitioner wanted to play it safe till his retirement and after his retirement, the petitioner has



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filed the present writ petition before this Court. This Court is not satisfied with the conduct of the petitioner apart from the fact that the writ petition is hit by latches.

5.In the result, this Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

19.09.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

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Chennai – 600 008.

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No 19A, Rukmani Lakshmipathy Road,



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Egmore,
Chennai – 600 008.

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4.Joint Director / General Manager / Project Director,
SIPCOT, Project Office,
SIPCOT INDUSTRIAL PARK,
Cuddalore.

N.ANAND VENKATESH, J.

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