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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.24941 of 2024
and W.M.P.No.27285 of 2024

K.Mugesh Kumar

... Petitioner

Vs.

The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai 600 003.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, call for the records ending with the orders of Respondent, made in his proceedings po.thu.na.ka.no.E12/5353/2009 dated 09.12.2009 and quash the same consequently directing the Respondent to revise his appointment as Junior Assistant from the date of impugned order i.e. 09.12.2009 and to provide subsequent promotion by taking into account of his service with effect from the date of joining duty i.e. 22.12.2009 along with all the back wages and other monetary benefits within a time frame.

For Petitioner : Mr.N.P.Jayakumar

For Respondents : Mrs.P.T.Ramadevi
Standing Counsel



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ORDER

This writ petition has been filed challenging the impugned proceedings of the respondent dated 09.12.2009 and for a consequential direction to the respondent to revise the appointment of the petitioner as Junior Assistant from the year 2009 and to provide consequent service and monetary benefits.

2.Heard Mr.N.P.Jayakumar, learned counsel appearing on behalf of the petitioner and Mrs.P.T.Ramadevi, learned Standing Counsel appearing on behalf of the respondent.

3.The mother of the petitioner was working with the Chennai Corporation. She expired on 01.05.1999. The petitioner submitted application for compassionate appointment. The petitioner was granted compassionate appointment by proceedings dated 09.12.2009 and the petitioner was appointed as Road Worker.

4.The petitioner suddenly realized in the year 2024 that the petitioner ought to have been appointed as a Junior Assistant, since the petitioner had all the qualification. On such realization, the petitioner has filed the present writ petition



challenging the proceedings dated 09.12.2009 on 16.08.2024.

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5. On carefully going through the affidavit, there is absolutely no explanation as to why the petitioner did not make any such request for such a long time. Even though, he was appointed in the year 2009. The petitioner for the first time makes a representation on 04.06.2024, which is nearly after fifteen years after the petitioner was appointed.

6. The learned counsel for the petitioner in order to justify the claim made by the petitioner relied upon the order passed by this Court in W.P.(MD)No.3642 of 2011. This Court in that order has held that wherever there is a legal right, the same cannot be defeated only on the ground of delay.

7. In the considered view of this Court, in service jurisprudence, approaching a Court or an authority on time becomes very essential, since orders passed at a later point of time will dislodge settled positions. The law will come to the aid of a person who is vigilant and not the one who sleeps over his rights.



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N. ANAND VENKATESH, J.

SSR

8.This Court holds that the present writ petition is hit by latches and accordingly, this writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

29.08.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

The Commissioner,
Greater Chennai Corporation,
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