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W.P.No.25654 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.25654 of 2024
and
W.M.P.No.28024 of 2024

R.Vasudevan

.. Petitioner

Vs.

- 1.The State of Tamil Nadu Rep by
The Principal Secretary to Government,
Handlooms, Handicrafts, Textiles and
Khadi (G1) Department, Secretariat,
Chennai – 600 009.
 - 2.The Director of Sericulture,
Nethaji Nagar,
Hasthampatti,
Salem – 636 007.
 - 3.The Regional Director of Sericulture,
Old Ramanathapuram District Collectorate Building,
Anna Bus Stand,
Madurai – 625 020.
 - 4.The Assistant Director of Sericulture,
Kalkondapally, Thally Road,
Peeda Balakindapally Post,
Denkanikottai Taluk – 635 114.
- .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, to call for the



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records relating to the issuance of impugned final orders passed by the 2nd respondent in proceedings No.33465/CD3/1996, dated 24.11.1998 and consequential orders passed by the 1st respondent in Letter No.efile/1435/G1/2023-3, dated 07.03.2024 and quash the same and consequently direct the 1st respondent to treat the period from 20.03.1997 as duty for all purposes with all monetary benefits.

For petitioner : Mr.R.Thomas

For Respondents : Mr.V.P.R.Elamparithi
Additional Government Pleader

ORDER

This writ petition has been filed challenging the proceedings of the 2nd respondent dated 24.11.1998 and for a consequential direction to the 1st respondent to treat the period from 20.03.1997 as duty for all purposes with all monetary benefits.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3.The case of the petitioner is that he was appointed as an Assistant Inspector of Sericulture on 15.02.1979. Thereafter, he was promoted as an Inspector of Sericulture in the year 1983. The petitioner



due to his ill health was not able to attend the work from 30.04.1994 to 20.12.1995. In view of the same, a charge memo came to be issued to the petitioner under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules by the 3rd respondent. The inquiry was conducted and ultimately, the 2nd respondent through proceedings dated 24.11.1998, passed an order by imposing a punishment of removal from service against the petitioner.

4.The further case of the petitioner is that after this order was passed, he made a representation / appeal before the 2nd respondent on 09.04.1999 with a fond hope that the 2nd respondent will forward the same to the Government. However, nothing transpired. Ultimately, the petitioner made a representation to the 1st respondent dated 20.07.2021. That apart, he also filed a review / appeal before the 1st respondent on 21.08.2023. The 1st respondent through letter dated 07.03.2024, rejected the appeal / review filed by the petitioner on the ground that the petitioner had approached the 1st respondent after nearly 24 years. Aggrieved by the same, the present writ petition has been filed before this Court.



5.It is not in dispute that the order was passed by the 2nd respondent through proceedings dated 24.11.1998 imposing the punishment of removal from service against the petitioner. In the said order, it was specifically mentioned that an appeal will lie against the order to the Government within a period of two months from the date of receipt of that order.

6.The petitioner instead of filing an appeal before the Government, sent a representation to the 2nd respondent on 09.04.1999. Thereafter, the petitioner went into hibernation and there is absolutely no material to show that the petitioner followed it up with the 1st respondent or the 2nd respondent. The petitioner came out of the deep slumber during the year 2021 and he makes a representation to the 1st respondent to modify the punishment. Thereafter, he also filed a review / appeal before the 1st respondent to re-consider the punishment imposed against the petitioner. The 1st respondent through the letter dated 07.03.2024, refused to entertain the appeal / review filed by the petitioner on the ground that the petitioner has approached after nearly 24 years and hence, it cannot be considered.



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7.In the considered view of this Court, law will come to the aid of a person only if the person exercises his right with vigilance. The order passed by the 2nd respondent was in the year 1998. The petitioner by merely sending one representation to the 2nd respondent on 09.04.1999, kept quiet up to 2021 and thereafter, he starts sending fresh representation / appeal / review to the 1st respondent and was attempting to revive the issue which had already become stale. The 1st respondent has rightly refused to entertain the appeal / review filed by the petitioner. The petitioner has attempted to whip a dead horse which has already died long back.

8.In the light of the above discussion, this Court does not find any merits in the writ petition and accordingly, this Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed.
No costs.

05.09.2024

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



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N.ANAND VENKATESH, J.

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To

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