



WEB COPY



W.A.No.2953 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.A.No.2953 of 2024

S.Soundararajan

... Appellant

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
School Education Department,
Fort St. George,
Chennai – 600 009.

2.The Joint Director – Vocational of School Education,
College Road,
Chennai – 600 006.

3.The District Educational Officer,
Mayiladudurai District.

... Respondents

Prayer:- Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 26.02.2024 in W.P.No.4664 of 2024 on the file of this Court.



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For Appellant : Mr.R.Saravanakumar
For Respondents : Mr.J.C.Durairaj
Additional Government Pleader

J U D G M E N T

(Judgment was delivered by **S.S. SUNDAR, J.**)

This Writ Appeal is directed against the order of the learned Single Judge dated 26.02.2024 in W.P.No.4664 of 2024, dismissing the writ petition filed by the appellant for issuance of a Writ of Mandamus directing the respondents to take 50% of part time service rendered by the petitioner's wife A.Saroja, i.e., from 01.08.1979 to 04.10.1996 along with the regular service for pension benefits, i.e., for the period of 15 years 3 months 27 days, based on the judgment passed by the Division Bench of this Court in W.A.No.517 of 2020, dated 13.08.2020.

2.The case of the appellant is that his wife was appointed as Vocational Teacher on 01.08.1979 at Thavasumuth Nadar Higher Secondary School, Porayur. Though it is stated that the service of the appellant's wife was regularised on 05.10.1996 and the wife of the appellant also attained



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superannuation on 31.07.2003, there is no explanation why the appellant's wife had not submitted any representation till she died on 10.01.2015 as admitted by the appellant. The appellant has come forward with this claim nearly 21 years after the retirement of his wife from service. It is to be noted that the appellant's wife did not make any claim when she was regularised in 1996. Even after retirement in 2003, the appellant's wife did not make any representation to regularise her services taking note of her past service. The claim is not only belated but cannot be entertained in view of settled principles. This Court is of the view that serious prejudice will be caused to the respondents who may not have records to verify whether the appellant's wife was in fact entitled to the benefit. On the short ground of delay and laches, the writ petition is liable to be dismissed.

3. Therefore, this Court is not inclined to interfere with the order of the learned Single Judge dismissing the writ petition. Accordingly, this Writ Appeal is dismissed. No costs.

(S.S.S.R., J.) (A.D.M.C., J.)
21.10.2024



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Internet : Yes

Index : Yes

Neutral Citation : Yes

To

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and
Dr.A.D. MARIA CLETE, J.

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