



W.A. No.882 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.A. No.882 of 2023

G. Thangaraj S/o.K. Govindasamy ... Appellant / Petitioner

vs.

1. The Director of Fire and Rescue Services,
Egmore,
Chennai - 8.

2. The Deputy Director of Fire and Rescue Services
North Zone,
Chennai - 8.

3. The Divisional Fire Officer,
South Chennai,
Chennai - 83.

4. The Deputy Director (Admn.),
Directorate of Fire and Rescue Services,
Egmore, Chennai - 8. ... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent

praying to set aside the order dated 14.10.2020 made in W.P. No.14814 of
2020.



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For Appellants : Mr. A.R. Suresh
for Mr. K. Arumugam

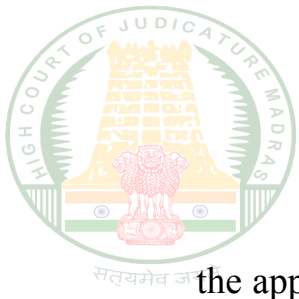
For Respondents : Mr. L.S.M. Hasan Fizal
Additional Government Pleader.

JUDGMENT

(Judgment of the Court was made by P.DHANABAL,J.)

This Writ appeal has been preferred as against the order passed by the Writ Court in W.P. No.14814 of 2020, wherein the appellant herein has filed a Writ petition to issue a Writ of Certiorarified Mandamus to quash the proceedings in G.O. Vu.970/98, Ku.Pa.16/98, Na.Ka. No.8803/E.1/98 dated 26.10.1998 of the 3rd respondent and Na.Ka.No.2039/A/2002 dated 20.12.2002 of the 2nd respondent in Na.Ka. No.417/B4/2008 dated 15.02.2008 of the 4th respondent and Rc. No.17785/B5/2010 dated 10.02.2012 and also Rc. No.12665/A3/2018 dated 23.05.2018 of the 1st respondent and to direct the respondents to sanction petitioner's periodical increment with all consequential benefits. The Writ Court after hearing both sides, dismissed the petition. Aggrieved by the said order, the present Writ appeal has been filed.

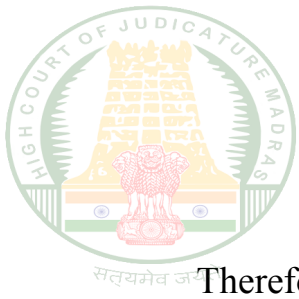
2. The learned counsel appearing for the appellant would submit that



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the appellant filed an Original Application in O.A. No.2278 of 2003 before the Tamil Nadu Administrative Tribunal, Chennai and challenged the punishment order of stoppage of increment for three years with cumulative effect passed by the 3rd respondent dated 26.10.98. Thereafter, due to abolishment of the said Administrative Tribunal, the case was transferred to the High Court and re-numbered as W.P. No.16604 of 2007 and the same was disposed of by this Court on 15.06.2011. Thereafter, the appellant filed a revision petition before the 1st respondent and the same was rejected on 10.02.2012, against which, a mercy petition was submitted on 20.11.2017 and the same was also rejected by the 1st respondent on 23.05.2018. Therefore, challenging the said rejection, the appellant filed a Writ petition on 02.12.2019. However, the learned single Judge of this Court dismissed the Writ petition in the admission stage itself through an order dated 14.10.2020 on the ground of delay and laches. The learned Single Judge failed to consider that the appellant has challenged the punishment from the date of serving of punishment order and he preferred an appeal and thereafter, he filed an Original Application before the Tamil Nadu Administrative Tribunal, Chennai and the same was transferred to the High Court and again he filed a revision and mercy petition immediately after rejection of mercy petition, the Writ petition has been filed.



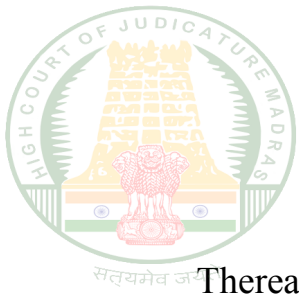
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Therefore, the Writ Court failed to consider that the Writ petition has been filed immediately and there is no delay on the part of the appellant.

Therefore, the order passed by the Writ Court is liable to be set aside.

3. The learned Additional Government Pleader appearing for the respondents would submit that in fact, the appellant was charged for the delinquency of forging the seal and license No.782/E1/98 dated 29.06.1998 and also obtained money from the Proprietor one J. Balaji and issued license. For the charges, domestic enquiry was conducted and through an order dated 26.10.1998, a punishment of 'stoppage of increment for a period of 3 years with cumulative effect' was awarded to the appellant. Challenging the said order, the appellant filed an Original Application in O.A. No.2278 of 2003 before the Tamil Nadu Administrative Tribunal and the same was transferred to the High Court due to abolishment of the State Administrative Tribunal. Thereafter, the Writ Petition in W.P. No.16604 of 2007 was disposed of by an order of this Court dated 15.06.2011. Thereafter, the appellant filed a revision petition before the 1st respondent and the same was rejected on 10.02.2012 and again he filed a mercy petition on 20.11.2017 and the same was also rejected on 23.05.2018. Therefore, the Writ petition was dismissed as early as on 10.02.2012.



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Thereafter belatedly, he filed the mercy petition after 5 years and thereafter challenged the rejection of mercy petition through the Writ petition. Therefore, the Writ Court after taking into consideration all the above facts, correctly dismissed the Writ petition on the ground of delay and laches. Therefore, the present Writ Appeal is liable to be dismissed.

4. This Court heard both sides and perused the entire materials available on record.

5. It is an admitted fact that the punishment was awarded to the appellant by the Disciplinary Authority namely the 3rd respondent on 26.10.1998, by postponing the increment for a period of 3 years with cumulative effect. Thereafter, the appellant challenged the said order of punishment through an Original Application in O.A. No.2278 of 2003 before the Tamil Nadu State Administrative Tribunal, Chennai and the same was transferred to the High Court, due to abolishment of Tribunal and thereafter, it was re-numbered as W.P. No.16604 of 2007. This Court disposed of the said Writ petition vide an order dated 15.06.2011. Thereafter, a Revision petition was preferred by the appellant and the same was rejected by the 1st respondent on 10.02.2012. Therefore, the revision



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petition had come to an end on 10.02.2012. Thereafter, the appellant filed a Mercy Petition on 20.11.2017 after a long gap and the same was rejected by the 1st respondent on 23.05.2018. Thereafter, the appellant challenged the said rejection of Mercy petition through a Writ petition in W.P. No.14814 of 2020.

6. The appellant has not filed the mercy peittion immediately after the rejection of the revision petition and he filed the mercy petition only on 20.11.2007 and thereafter, he approached this Court through the impugned Writ petition. The learned single Judge, in the order in Para Nos.4 and 5, held as follows:-

"4. The petitioner appears to have submitted a mercy petition on 20.11.2017 and when the same was rejected on 23.05.2019, the petitioner suddenly had woken up and being aggrieved by the rejection, has now come up with this writ petition.

5. This Court is unable to appreciate as to how such stale claim of some increment due to him relating to the year 1998 can be the subject matter of litigation in 2020. Merely because, the mercy petition was disposed of by the authority, that does not give any fresh cause of action for the petitioner to revive the otherwise, stale claim. On the whole, this Court finds that the claim is barred by laches and cannot be entertained even for a second. Therefore, this Writ Petition is dismissed as not maintainable".

7. The above said reasons stated by the Writ Court is based on the



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records and the appellant has not challenged the rejection of the revision petition through an order dated 10.02.2012 and belatedly filed the Mercy petition on 20.11.2017. Moreover, the increments of the appellant due for the year 1998 has been withheld due to the disciplinary action and already the appellant suffered the alleged punishment and after a long period, he challenged the said order after implementation of the above said punishment. Therefore, the Writ Court has passed a reasoned order and it does not warrant interference.

8. In view of the above said discussions, this Court is of the opinion that this Writ appeal has no merits and deserves to be dismissed.

9. Accordingly, the Writ Appeal is dismissed. No costs. The connected miscellaneous petition is closed.

(R.S.K.J.) & (P.D.B.J)

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mjs

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Neutral Citation: Yes/No



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R. SURESH KUMAR,J
and
P.DHANABAL,J

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