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W.P.No.26186 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.26186 of 2019
and
WMP.No.25550 of 2019

S.Vidyasagar

... Petitioner

vs

1. Government of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Rural Development and Panchayat Raj (E1) Dept.,
Secretariat, Chennai – 600 009.

2. The Director of Rural Development
and Panchayat Raj,
Chennai – 600 015.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the First Respondent in Government Letter No.10935/E1/2016-4, Rural Development and Panchayat Raj (E1) Department, dated 08.09.2016 and Government Letter No.30960/E1/2016-4, Rural Development and Panchayat Raj (E1) Department, dated 27.03.2013, quash the same and to consequently direct the

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Respondents to allow the claim of the petitioner for appropriate retrospective empanelment and promotion as Additional Director of Rural Development Department and to grant him consequential benefits including revised retirement and pensionary benefits within a limited time frame and pass orders.

For Petitioner : Ms.T.Subhiksha
for Mr.M.Ravi

For Respondents : Mrs.V.Yamunadevi
Special Government Pleader

ORDER

Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader for the respondents and perused the records.

2. The short point involved in the present writ petition is with regard to non empanelment and granting of promotion to the petitioner to the post of Additional Director in the Revenue Department in the year 1999-2000.

3. Though on behalf of the petitioner, it is contended that on the respondent issuing the impugned proceedings dated 08.09.2016, has given raise to cause of action, it is to be noted that the petitioner on not being considered during the panel



year 1997-1998, where the punishment imposed on him was in currency or thereafter, as being claimed, did not seek for consideration for empanelment of promotion. Further, the petitioner retired from service in the year 2013, and after a lapse of three years therefrom, has approached the respondent and submitted a representation and on the respondent rejecting his representation by the impugned proceeding has approached this Court with a further delay of three years.

4. It is a settled position of law that mere submitting representation does not extend the limitation. Particularly, in service matters, delay and laches affects the claim, which ought to be raised at the relevant point of time. It is also equally settled position of law that post-retirement, such claims cannot be permitted to be raised. **The Hon'ble Apex Court in the case of *P.S. Sadasivaswamy v. State of T.N.*, (1975) 1 SCC 152** held as follows :-

“2. A person aggrieved by an order of promoting a junior over his head should approach the Court at least within six months or at the most a year of such promotion. It is not that there is any period of limitation for the Courts to exercise their powers under Article 226 nor is it that there can never be a case where the Courts cannot interfere in a matter after the passage of a certain length of time. But it would be a sound and wise exercise of discretion for the Courts to refuse to exercise their



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extraordinary powers under Article 226 in the case of persons who do not approach it expeditiously for relief and who stand by and allow things to happen and then approach the Court to put forward stale claims and try to unsettle settled matters.....”

The aforesaid judgment is also referred in the recent decision of the Hon'ble Apex Court in the case of ***State of Uttarakhand Vs. Shiv Charan Singh Bhandari (2013) 12 SCC 179.***

5. In the present case, the petitioner has kept quiet for nearly over two decades, when his alleged right to be empanelled for promotion was not considered and had approached this Court, after a lapse of six years after retirement. Thus, this Court is of the view that the petitioner by the present writ petition, is only seeking to give life to a claim which has already become a stale claim. ***[See: (I) Union of India and others Vs. M.K.Sarkar ((2010) 2 SCC 59) (ii) State of Tamil Nadu Vs. Seshachalam ((2007) 10 SCC 137, (iii) Prabhakar Vs. Joint Director, Sericulture Department and another ((2015) 15 SCC 1) (iv) Ghulam Rasool Lone Vs. State of J & K ((2009) 15 SCC 321) and (v) State of Uttarakhand Vs. Shiv Charan Singh Bhandari ((2013) 12 SCC 179)]***



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6. Since, this Court is of the view that the petitioner seeking for empanelment and promotion to the post of AD and Rural Department in relation to his employment of the year 1999 – 2000, after a lapse of nearly two decades and also after retiring from service the said claim cannot be permitted.

7. Thus, the writ Petition as filed is abuse of process of law and accordingly, the writ petition is dismissed with costs of Rs.5,000/- payable to High Court Legal Services Committee, within a period of eight weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

26.11.2025

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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T. VINOD KUMAR, J.

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