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Review Appln. No.130 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2025

CORAM
THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

Review Appln.No.130 of 2025
in W.A.No.1 of 2023

M.Balashanmugam

...Petitioner/ Appellant

Vs

1.The Secretary to Government of Tamil Nadu,
Department of Highways and Small Ports (HK2)
Secretariat, Chennai – 600 009.

2.The Chief Director,
Department of Highways and Rural Works,
Chepauk, Chennai – 600 005.

3.The Divisional Engineer (H)
Rural Roads Division,
Coimbatore – 9.

4.The District Collector,
Coimbatore District,
Coimbatore.

... Respondents

PRAYER:- Review Petition filed under Order 47 Rule 1 & 2 of CPC
r/w Section 114 of CPC praying that this Court may be pleased to

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review the order dated 08.08.2024 in W.A.No.1 of 2023 and pass such further suitable order.

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For Petitioner : Mr.K.Sridhar
For Respondents : Mr.M.Murali
Government Advocate

ORDER

(Order of this court is made by Mr.Justice.K.Kumaresh Babu)

The present Review Application had been filed against the order of this Court made in the order dated 08.08.2024 in W.A.No.1 of 2023.

2.Heard Mr.K.Sridhar, learned counsel for the petitioner and Mr.M.Murali, learned Government Advocate appearing on behalf of the respondents.

3.Mr.K.Sridhar, learned counsel for the petitioner would vehemently contend that this Court had made an error in treating the petitioner/appellant as being sent on deputation to Rural Department and thereby had committed an material error in applying the Proviso to

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Rule 9(d) of General Rule for Tamil Nadu State and Subordinate Rules.

He would submit that the petitioner/appellant had at no point of time being sent on deputation to another Department and had been only sent to the Rural Roads Division within the Highways Department. The said factual error had materially affected the decision of this Court. He would further submit that the Division Bench of this Court has also failed to consider the letter dated 16.04.2008 issued by the then Secretary of the Government, Highways Department indicating that the appointment of the petitioner/appellant in the Rural Development is not outside the regular line and the question of relaxation of Rules does not arise. He would further submit that had the petitioner being regularised in the cadre of Road Inspector as early as in the year 1984, he would have been promoted as Junior Engineer long time back when his junior has been promoted and therefore he seeks Review of the order passed by this Court.

4.We have carefully considered the submissions made by the



learned counsel appearing for the petitioner/appellant.

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5. Even in the grounds of Writ Appeal as well as in this grounds of Revision, he had categorically admitted that options were called for from the individuals to work at the newly bifurcated Rural Development Department or to stay back in the Highways Department. The petitioner/appellant had also categorically admitted that he had not given his willingness to leave the Highways Department, but however, the fact remains that he had been sent to the Rural Development Department which was bifurcated from the Highways Department.

6. When that being so, the claim of the petitioner/appellant that he was not sent on deputation would have to fall. Be that as it may, this Court had earlier considered the case of the petitioner/appellant and categorically held that the petitioner/appellant had not sought for any redressal of his grievance immediately, i.e., he had not sought for regularisation from the year 1984, to which post he was regularised with effect from 1987 by proceedings in the year 2002. It is to be



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further noted that the petitioner/appellant had superannuated in the year 2008 and he had approached this Court by filing a Writ Petition only in the year 2015. There has been a delay of 7 years in approaching this Court. The claim of the petitioner/appellant is that he had been repeatedly making representations to the Authorities and had approached this Court in the year 2015.

7. In this context, it is useful to refer to the judgment of the Hon'ble Apex Court in the case of *State of Kerala Vs N.V.Krishanan made in Civil Appeal No.10898 of 2025 dated 19.08.2025*. The Hon'ble Apex Court in the aforesaid judgment placing reliance on the earlier judgments of the Hon'ble Apex Court had held that repeated representations to the Authority without approaching the Court at the earliest point of time can be a reason to deny the petitioner his entitlement.

8. For better appreciation, the relevant paragraphs are extracted hereunder:-

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“... (8) Whether repeated representations can justify delay and laches in approaching the Tribunal/court? The law on this issue is well settled. Reference can be made to the judgment of this Court in State of U.P. v. Rajmati Singh1 , whereby dealing with the issue of delay and laches, it was held as under:

“12. In our considered view, the respondent like any vigilant citizen, especially given that she does not belong to economically or socially backward segments of the society, was expected to assert her rights before an appropriate forum within a reasonable time. Repeated representations neither give rise nor revive the cause of action, if it had already arisen in the past. The respondent's difficulties do not end there, given that her services were brought to an end when she was denied to resume her duties in the year 1974. She was, thus, required to seek a declaration of her continuity or have a writ of mandamus issued for her reinstatement. She did not do either.”

(9) Further reliance is placed on the judgment passed by this Court in State of Orissa vs. Laxmi Narayan Das2 . It has been opined therein as under:

“16. ...Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the court. Delay reflects inactivity and inaction on the part of a litigant “a litigant who has forgotten the basic norms, namely, "procrastination is the greatest thief of time" and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis. A court is not expected to give indulgence to such indolent



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persons- who compete with 'Kumbhakarna' or for that matter 'Rip Van Winkle'. In our considered opinion, such delay does not deserve any indulgence and on the said ground alone the writ court should have thrown the petition overboard at the very threshold."

(10) For the reasons mentioned above, the order passed by the Tribunal as well as the High Court cannot be sustained. The OA and the Writ Petition filed by the respondent deserve to be dismissed on account of huge delay in availing the remedy for redressal of his grievance..."

9. By applying the principles relied on by the Hon'ble Apex Court, we find no reasons to interfere with the order that is sought to be reviewed and accordingly, the Review Petition fails and it is dismissed. However, there shall be no order as to costs.

(R.S.K.,J) (K.B.,J)

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Gba

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Speaking order : Yes/No

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and
K.KUMARESH BABU,J.

gba

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