



W.A(MD) No.997 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 15.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

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- 1.L.Sundararaj
- 2.A.Selvin
- 3.R.Balasubramanian
- 4.L.Natarajan
- 5.A.Kamatchi
- 6.P.Muthurakku
- 7.A.Alagarsamy
- 8.K.Rajaram
- 9.K.S.Muniasamy
- 10.V.Duraipandian
- 11.V.Ramar
- 12.C.Govindan
- 13.M.Ramar

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14.S.Ilangovan

15.M.Thangaraj

16.P.V.Dhesini

17.A.Raveendar

... Appellants / Petitioners
Nos.2, 4 to 15, 22, 24, 25 & 27

Vs.

1.The Principal Secretary to the Government,
Finance Department,
Fort St.George,
Chennai-9.

2.The Principal Secretary to the Government,
School Education Department,
Fort St.George,
Chennai-9.

3.The Director of School Education,
DPI Compound,
College Road,
Chennai-600 006.

4.The Joint Director (Vocational)
Directorate of School Education,
DPI Compound, College Road,
Chennai-600 006.

... Respondents No.1 to 4/
Respondents

5.R.Rajendran

6.K.Sakthivel

7.V.Ganesh

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8.R.Kallanda Perumal

9.K.Raghuveer

10.S.Balakrishnan

11.G.Selvaraj

12.S.Joseph Alphonse Raj

13.S.Ponraj Pandian

14.A.Rajanayagam

15.S.Renganathan

16.A.Malliga

... Respondents 5 to 16/
Respondents 1, 3, 16 to 21, 23, 26, 28 & 29

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order passed in W.P.(MD)No.4713 of 2020, dated 14.12.2022 on the file of this Court.

For Appellants : Mr.G.Karthik
for M/s.Lajapathi Roy & Associates

For Respondent : Mr.C.Venkatesh Kumar
Special Government Pleader
for R1 to R4



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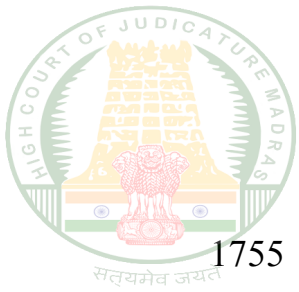
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JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

The appellants herein have been appointed as single part time teachers in the year 1979. They were subsequently appointed as double part time teachers during 1983-84. All of them retired in the year 2012. On 31.05.2007, their services were regularised as vocational instructors with effect from 01.04.1990 and 16.10.1992. The appellants herein moved the department for placing them in the scale of pay of Rs.2000-3500. It was applicable to the regular vocational instructors from the dates when they were regularised. The appellants' request was rejected by the department. Challenging the same, they filed W.P. (MD)No.4713 of 2020. The learned single Judge vide order dated 14.12.2022 dismissed the writ petitions. Aggrieved by the same, this writ appeal has been filed.

2. The learned counsel appearing for the appellants submitted that the appellants are entitled to invoke the doctrine of equality. He pointed out that one Narayanasamy who was identically placed filed O.A.No.



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1755 of 1988 before the Tribunal and the same was subsequently transferred to the High Court and re-numbered as W.P.No.32121 of 2006. The writ petition was allowed and the Government was directed to grant scale of pay of Rs.2000-3500 to the said Narayanasamy with effect from 16.10.1992 from the date on which he was regularised as vocational instructor. The writ appeal filed by the Government suffered dismissal. SLP was also dismissed.

3. The learned counsel for the appellants also drew our attention to the order dated 04.03.2019 made in W.P.(MD)No.9712 of 2014 filed by similarly placed individuals. He would add that these orders were also implemented and GOs were passed. All that the appellants are seeking is only treatment of parity and nothing else. He also relied on the decision of the Hon'ble Supreme Court reported in **(1975) 4 SCC 714 (Amrit Lal Berry Vs. CCE)** and **(1987) 4 SCC 431(K.I.Shephard Vs. Union of India)** to drive home the point that the Government on its own should have extended the benefit to the appellants herein.

4. Per contra, the learned Special Government Pleader submitted that the appellants had approached the Court belatedly and that they were



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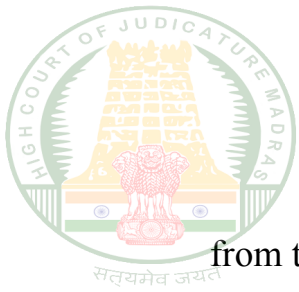
rightly non-suited by invoking the doctrine of laches.

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5. We carefully considered the rival contentions and went through the materials on record.

6. It is true that the Government should adopt an attitude of equal treatment to all the similarly placed individuals. But that would be the case only when it is a case of enforcing a policy decision. In this case, the Government had not taken any policy decision as such in favour of the double part time teachers who were subsequently regularised as vocational instructors. All that the Government did was to issue orders towards compliance of the judicial orders and nothing else.

7. We are of the view that in such cases, the question of invoking Article 14 of the Constitution of India may not really arise. The appellants had admittedly come to the Court only belatedly, ie., 8 years after their retirement. Even on merits, we have our own doubt. We perused the proceedings whereby the appellants were regularised as vocational instructors. The said proceedings clearly stipulate that only

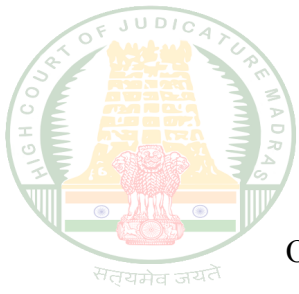


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from the date of the proceedings, ie., 20.03.2007, the appellants would be entitled to the monetary benefits. If the appellants felt aggrieved, they should have challenged the said proceedings then and there and demanded that they should be given the pay scale of 2000-3500 with effect from the date of their regularisation. The appellants had not done so. They chose to keep quiet. Probably, they were content that they had got the benefit of regularisation. If they had wanted something more, they should have raised their voice then itself.

8. The learned Special Government Pleader draws our attention to the decision reported in ***(2007) 10 SCC 137 (State of Tamil Nadu Vs. Seshachalam)***. The Hon'ble Supreme Court in the said decision held as follows:-

“11. Some of the respondents might have filed representations but filing of representations alone would not save the period of limitation. Delay or laches is a relevant factor for a court of law to determine the question as to whether the claim made by an applicant deserves consideration. Delay and/or laches on the part of a Government servant may deprive him of the benefit which had been given to others. [Article 14](#) of the Constitution of India would not, in a situation of that nature, be attracted as it is well known that law leans in favour of those who are alert and vigilant.



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Opinion of the High Court that GOMs No.126 dated 29.5.1998 gave a fresh lease of life having regard to the legitimate expectation, in our opinion, is based on a wrong premise. Legitimate expectation is a part of the principles of natural justice. No fresh right can be created by invoking the doctrine of legitimate expectation. By reason thereof only the existing right is saved subject, of course, to the provisions of the statute. {See [State of Himachal Pradesh & Anr. v. Kailash Chand Mahajan & Ors.](#) [1992 Supp.(2) SCC 351]}.”

9. We are of the view that the learned single Judge rightly invoked the doctrine of laches against the appellants herein. Interference with the said order is not called for. The Writ Appeal is dismissed. No costs.

(G.R.S., J.) (K.R.S., J.)
15.07.2025

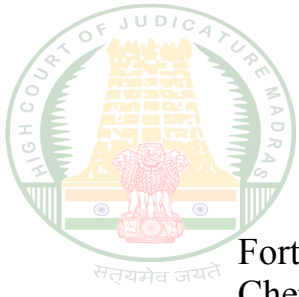
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To

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Chennai-9.

2.The Principal Secretary to the Government,
School Education Department,

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3.The Director of School Education,
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Directorate of School Education,
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G.R.SWAMINATHAN, J.



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K.RAJASEKAR, J.

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