



W.A(MD)No.1060 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.A(MD)No.1060 of 2025

A.M.S.Kathija (Retired),
Wife of late J.Mohammed,
Technical Officer,
No.65A/1, Kodikulam 1st Street,
K.Pudur,
Madurai – 625 007.

... Appellant/Writ Petitioner

vs.

- 1.The Government of Tamil Nadu,
Represented by its Secretary to Government,
Revenue Department and Disaster Management Department,
Secretariat,
Chennai – 600 009.
- 2.The Director of Survey and Settlement Officer,
Survey House, Chepauk,
Chennai – 600 005.
- 3.The Additional Director of Survey and Land Records,
Survey House, Chepauk,
Chennai – 600 005.



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4.The Assistant Director,
Survey and Land Records Office, Madurai – 650 020.

5.The Joint Director,
Central Survey Office, Chepauk,
Chennai – 600 005.

... Respondents/Respondents

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 26.02.2024 made in W.P(MD)No.12979 of 2021.

For Appellant : M/s.S.Mahalakshmi

For Respondents : Mr.S.S.Madhavan
Additional Government Pleader

JUDGMENT

(Judgment of the Court was delivered by S.SRIMATHY, J.)

This Writ Appeal has been filed challenging the order dated 26.02.2024 passed by the writ Court in W.P(MD)No.12979 of 2021, whereby the writ petition filed by the appellant/writ petitioner was dismissed on the ground of inordinate delay and laches.



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2.The writ petitioner had filed the Writ Petition challenging the proceedings issued by the second respondent dated 17.09.2012 and 28.04.2021, wherein the claim of the appellant for promotion to the post of Head Draftsman with retrospective effect was rejected on the ground of delay.

3. The facts and circumstances giving rise to the case are as follows:

The appellant was initially appointed as a Draftsman on 02.09.1980 and was thereafter promoted to the posts of Grade Draftsman, Head Draftsman and Technical Manager on 05.07.1984, 21.10.1999 and 03.07.2007 respectively. Finally, the appellant was also promoted to the post of Technical Officer and retired from service on 28.02.2018. The appellant's claim for promotion to the post of Head Draftsman with effect from 30.10.1998, instead of the actual date of promotion, i.e., 21.10.1999, was negated by the second respondent through the impugned order dated 17.09.2012. Although the appellant was promoted to the post of Head Draftsman on 21.10.1999, she first raised a dispute regarding her entitlement for promotion from 30.10.1998, by submitting a representation only in the year 2009. The said representation was rejected by the second respondent



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in the year 2012. Subsequently, the appellant received further promotions and finally retired from service on 28.02.2018. It was only after her retirement that the appellant renewed her claim for retrospective promotion, which was again rejected by the respondent, by order dated 28.04.2021, referring to the earlier rejection in the year 2012.

4.The writ Court, after considering the materials available on record, dismissed the Writ Petition on the ground of delay and laches. Aggrieved by the same, the writ petitioner as appellant has preferred the present Writ Appeal.

5.We have heard Ms.S.Mahalakshmi, learned counsel appearing for the appellant, and Mr.S.S.Madhavan, learned Additional Government Pleader appearing for the respondents and perused the materials placed before this Court.

6.The facts that the appellant was initially appointed as a Draftsman on 02.09.1980 and was subsequently promoted to the posts of Grade Draftsman, Head Draftsman and Technical Manager on 05.07.1984, 21.10.1999 and 03.07.2007 respectively and later promoted to the post of Technical Officer and



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retired from service on 28.02.2018, are not in dispute. The appellant was promoted as Head Draftsman on 21.10.1999 but claimed that the promotion should have been granted retrospectively from 30.10.1998. Although the appellant was aware of her juniors being promoted in 1998, she did not raise any objection until 2009. Even after her representation was rejected in the year 2012, she took no further steps to agitate the issue. The petitioner continued in service, received subsequent promotions and ultimately retired in the year 2018.

7. It was only in the year 2021, more than two decades after the original cause of action and nearly three years after retirement, that the appellant filed the writ petition. The learned Single Judge rightly held that such a belated claim suffers from unexplained delay and laches and that the appellant had clearly acquiesced to the promotions of her juniors. Furthermore, the persons, who were promoted ahead of the appellant, were not made as parties to the writ petition, despite a specific direction by the Court to implead them. This failure to implead necessary parties is fatal to the claim.



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8. The reliance placed by the appellant on the decision in ***Chairman, State Bank of India vs. M.J. James [(2022) 2 SCC 301]*** has been appropriately considered and distinguished by the learned Single Judge. The writ Court rightly found that the appellant's long period of inaction amounted to inactive acquiescence, which estops her from now challenging the promotion of her juniors.

9. In view of the above, we find no grounds to interfere with the well reasoned order passed by the learned Single Judge. Accordingly, this Writ Appeal is dismissed. There shall be no order as to costs.

[J.N.B.,J.] & [S.S.Y.,J.]
23.04.2025

NCC : Yes / No
Index : Yes / No
ps



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Represented by the Government of Tamil Nadu,
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ORDER MADE IN
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