



W.P.(MD)No.16009 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2025

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.16009 of 2021

V.Chandrasekar

... Petitioner

Vs.

1.Agriculture Production Commissioner
and Secretary to Government,
Department of Agriculture and Farmers Welfare,
Secretariat, Chennai.

2.The Commissioner,
Department of Agricultural Marketing and Agribusiness,
Guindy, Chennai-22.

3.R.Suresh Babu.
Secretary,
Thanjavur Market Committee,
Thanjavur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified Mandamus, calling for the records pertaining to the impugned order dated 28.11.2020 passed by the second respondent in the reference Lr.No.MCE5/27526/2019 and quash the same and consequently direct the respondents to grant the notional promotion to the petitioner in the cadre of



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Secretary, Market committee from 31.12.2012, the date on which his junior, the third respondent assumed charge as Secretary, Market Committee and consequently re-fix the arrears and accrued benefits arising thereon, within the time frame to be fixed by this Court.

For Petitioner : Mr.K.Muthumalai

For R-1 and R-2 : Mr.C.Satheesh,
Government Advocate

For R-3 : Mr.S.Govindan

ORDER

This Writ Petition has been filed challenging the impugned order dated 28.11.2020 passed by the second respondent rejecting the petitioner's request to grant notional promotion to the petitioner in the cadre of Secretary, Market Committee from 31.12.2012, the date on which his junior, the third respondent assumed charge as Secretary, Market Committee.

2. The petitioner's request has been rejected on the ground that the petitioner had not completed the Market Committee Secretaries Training as on 01.04.2011, in which date the third respondent, whose name has been included in the qualified list, had completed the Market Committee Secretaries Training as on 01.04.2011. Therefore, the second respondent, under the impugned order,



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has held that the petitioner is not eligible to get notional promotion to the post

of Market Secretary as prayed for in this writ petition.

3. Counter-affidavits have been filed by the official respondents as well as by the third respondent.

4. Both the respondents have raised the ground of laches on the part of the petitioner to file this writ petition. If this writ petition is entertained, it will unsettle the seniority given to various employees, which includes the petitioner. Admittedly, the third respondent was promoted to the post of Market Committee Secretary on 21.12.2012. The petitioner's first representation to redress his grievance that the third respondent is junior to him and he ought to have been granted to the post of Market Committee Secretary much earlier than that of the third respondent was sent to the respondents only on 28.08.2019 that is after almost seven years from the date when the third respondent was promoted to the post of Market Committee Secretary. Between 21.12.2012 and 28.08.2019, the petitioner did not raise any grievance, which is also admitted by the learned counsel appearing for the petitioner during the course of his submissions. A person seeking redress must act within a reasonable period. In the case on hand, since almost seven years have lapsed from the date when the



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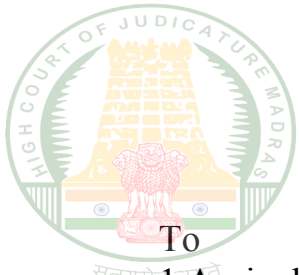
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third respondent was promoted to the post of Market Committee Secretary to when the first representation was made by the petitioner to the respondents to redress his grievance, this Court is of the considered view that the seven years period cannot be treated as a reasonable period for the redressal of the petitioner's grievance. During the said period, the respondents would have granted several promotions to its employees which includes the third respondent. In fact, as seen from the counter filed by the third respondent before this Court, the petitioner was promoted to the post of Senior Secretary, Market Committee, which he is presently holding. Therefore, at this stage, if the writ petition is entertained, it will unsettle the seniority of various employees, which cannot be granted by this Court. Therefore, without going into the merits of the respective contentions of the respondents, this Court has to dismiss this writ petition only on the ground of laches.

5. Therefore, on the ground of laches, this writ petition is dismissed. No costs.

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NCC:yes/no
Index:yes/no
Internet:yes/no
TSG



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ABDUL QUDDHOSE, J.

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