



W.P.(MD).No.18930 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.18930 of 2025

C.Ambrose

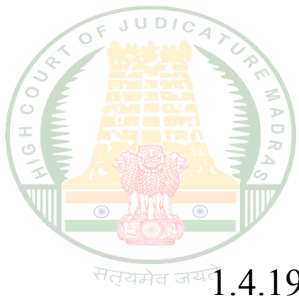
... Petitioner

-VS-

1. The Secretary to Government,
Adi Dravidar Tribal Welfare Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
2. The Director,
Adi Dravidar Tribal Welfare Department,
Ezhilagam, Chepauk,
Chennai - 600 005.
3. The District Adi Dravidar And Tribal Welfare Officer,
Madurai District, Madurai.
4. The District Collector,
Theni District, Theni.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to implement the G.O. (Ms) No.813 Social Welfare dated 24.10.1980 regularizing the petitioner by creating necessary post to the petitioner in the post of Watchman from



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1.4.1976 on completion of 5 years from the date of appointment as contingent worker and consequently direct the respondents herein for treating the period service of petitioner from 01.04.1976 to 23.10.1980 as regularized for the benefit of fixation of pension afresh and arrears of pension.

For Petitioner : Mr.K.Appadurai

For Respondent : Mr.S.R.A.Ramachandhran

Additional Government Pleader

ORDER

This writ petition has been filed seeking for a direction to the respondents to implement G.O.(Ms)No.813 Social Welfare, dated 24.10.1980 regularizing the post of the petitioner as 'Watchman', by creating necessary post, from 01.04.1976 on completion of 5 years from the date of appointment as contingent worker and also to treat the period service of petitioner from 01.04.1976 to 23.10.1980 as regularized, for the benefit of fixation of pension afresh and arrears of pension.

2. By consent of both parties, this writ petition is disposed at the stage of admission itself.



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3. The petitioner was initially appointed as full time contingent employee as 'Gardener' and 'Watchman' in Government Adi Dravidar Welfare Middle School, Achampatti, Nilakottai Taluk, Madurai District in the year 1971. Thereafter, he was posted at various places and finally, he retired on 30.06.2011. Now, after a period of 14 years, the petitioner has made a representation seeking the aforesaid relief and filed this writ petition.

4. The learned Additional Government Pleader appearing for the respondents relied upon the judgment of this Court in WP(MD)No.18117 of 2016 dated 03.07.2025 and the relevant portion of the order reads as under:-

“6. It has been held in C. Jacob v. Director of Geology & Mining, reported in (2008) 10 SCC 115, as follows:

7. Every representation to the government for relief, may not be replied on merits. Representations relating to matters which have become stale or barred by limitation, can be rejected on that ground alone, without examining the merits of the claim. In regard to representations unrelated to the department, the reply may be only to inform that the matter did not concern the department or to inform the appropriate department. Representations with incomplete particulars may be replied by seeking relevant particulars. The replies to such representations, cannot furnish a fresh cause of action or revive a stale or dead claim.

8. When a direction is issued by a court/tribunal to consider or deal with the representation, usually the directee (person directed) examines the matter on merits, being under the impression that failure to do may amount to disobedience. When an order is passed considering and rejecting the claim or representation, in compliance with direction of the court or tribunal, such an order does not revive the stale claim, nor



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amount to some kind of 'acknowledgment of a jural relationship' to give rise to a fresh cause of action."

7. In the supra judgment it has been held that a belated representation cannot revive a dead cause of action, and that Courts ought not to lend assistance in such cases. Further, the petitioner cannot claim parity across zonal lines where administrative separations and distinct promotion panels prevailed. His reliance on the 1986 circular is misplaced. This Court finds no infirmity in the respondent's approach and no case is made out for interference with the impugned order.

8. In view of the foregoing, this Court finds no merit in the writ petition. Accordingly, the Writ Petition will stand dismissed. However, there shall be no order as to costs."

5. In the case on hand also, the petitioner made a belated representation and hence, it cannot revive for a dead cause of action. In view of the same, this writ petition lacks merit and the same is liable to be dismissed. Accordingly, this writ petition is dismissed. No costs.

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NCC : Yes/No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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Order made in
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