



W.A(MD)No.1125 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.A(MD)No.1125 of 2015
and
M.P(MD)No.2 of 2015**

1.The Government of Tamil Nadu,
Represented by its Home Secretary,
Fort St. George,
Chennai – 600 009.

2.The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai – 600 004.

3.The Commissioner of Police,
Madurai City,
Madurai.

... Appellants/Respondents

vs.

S.Manimuthu

... Respondent/Writ Petitioner

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 26.11.2013 made in W.P(MD)No.10855 of 2012.



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For Appellants : Mr.S.P.Maharajan
Special Government Pleader
For Respondent : Mr.A.Rajaram

JUDGMENT

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

The respondent/S.Manimuthu has instituted writ proceedings seeking a direction to the appellants 1 to 3 to revise and regularize the service seniority and to grant monetary benefits on the basis of his representation dated 26.11.2021.

2.The facts, in a nutshell, as stated in the affidavit filed by the respondent, reveals that he is a retired Head Constable. He was appointed as Grade – II Police Constable on 20.07.1963 and was promoted as Grade – I Police Constable in the year 1985. He was further promoted as Head Constable in the year 1990. Admittedly, the respondent retired from service on 31.12.2000 on attaining the age of superannuation.



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3.The respondent mainly contended that there was a delay in granting him promotion to the post of Grade – I Police Constable. Similarly placed persons had filed Writ Petition and obtained a favourable order. Based on the said order, he has sent a representation on 26.03.2011 to the appellants and thereafter, filed the Writ Petition.

4.The learned Single Judge directed the authorities to extend the benefit of retrospective promotion to the respondent, on par with the similarly placed persons.

5.This Court is of the considered view that the extension of promotional and other monetary benefits can be granted only in the event of establishing a right in the context of the Service Rules applicable to an employee. Admittedly, in the present case, the respondent retired from service on 31.12.2000 and submitted a representation on 26.03.2011, after a lapse of about 11 years from the date of retirement. A retired employee, after a lapse of 11 years from his date of retirement, cannot seek retrospective promotion by merely submitting a representation. In the event of considering such belated claims, it will result in opening of Pandora's box and many such similarly placed persons will knock the



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doors of the Court. A person who has slept over his right cannot wake up and approach the Court belatedly and therefore, the representation submitted by the respondent itself is hit by laches.

6.The respondent even at the time of filing of the Writ Petition was aged about 70 years and now, he will be about 83 years. Service benefits, if any, must be claimed within a reasonable period, when an employee was in service. Claims regarding promotion is also to be made within the time limits prescribed under the Service Rules.

7.In view of the fact that the claim set out by the respondent in the Writ Petition is stale and belated and this Court is inclined to interfere with the order impugned. Accordingly, the writ order dated 26.11.2013 passed in W.P(MD)No.10855 of 2012, is set aside and the Writ Appeal stands allowed. There shall be no as to costs. Consequently, connected Miscellaneous Petition is closed.

[S.M.S.,J.] & [A.D.M.C.,J.]
04.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes



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S.M.SUBRAMANIAM, J.
and
DR.A.D.MARIA CLETE, J.

ps

ORDER MADE IN
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DATED : 04.06.2025