



W.P.(MD)No.22104 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.22104 of 2021

E.Elangovan

: Petitioner

Vs.

1.The Commissionerate of Municipal Administration,
Municipal Administration,
Ezhilagam, 6th Floor, Chepauk,
Chennai.

2.The Government Secretary,
Municipal Administration and
Water Supply Department,
Secretariate,
Chennai – 600 009.

3.The Government Deputy Secretary,
Finance (Pension) Department,
Secretariat,
Chennai – 600 009.



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4.The Commissioner,

Kumbakonam Municipality,

Kumbakonam,

Thanjavur District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, issue a of a Writ of Certiorarified Mandamus, to call for the records of the fourth respondent impugned order in Na.Ka.No. 8181/2017/C1 dated 25.10.2021, rejecting the claim of retirement service benefits of the petitioner's father Erusappan and family pension amount payable to his mother to grant service benefits and quash the same as devoid of merits, consequently direct the respondent No.1 to make necessary recommendation to 2nd respondent for its concurrence for the sanction and payment of the service retirement benefits and pension of the petitioner's father late Erusappan and family pension amount payable to his mother consequentially directing the third respondent to pay pension payable to the petitioner's father and family pension amount payable to his mother and the fourth respondent to pay service retirement benefits of his father M.Erusappan, within the period stipulated by this Court.



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For Petitioner : Mr.A.Haja Mohideen
For Respondents 1 to 3 : Mr.S.Shaji Bino,
Special Government Pleader
For Respondent No.4 : Mr.M.Rajarajan

ORDER

This Writ Petition has been filed challenging the impugned order dated 25.10.2021 passed by the fourth respondent rejecting the petitioner's claim for payment of retirement service benefits payable to the petitioner's father Erusappan and family pension amount payable to the petitioner's mother and also to grant service benefits.

2.The following are the undisputed facts:

- a) The petitioner's father Erusappan remained absent from duty since 22.11.1976.
- b) The petitioner's father Erusappan abandoned his duty since the aforesaid date and did not rejoin duty.
- c) The petitioner's father Erusappan died on 18.11.2003.
- d) The first representation made by the petitioner's father was on 06.04.2000, seeking for payment of pensionary benefits.



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3.Therefore, after a lapse of more than 14 years, the petitioner's father Erusappan, while he was alive had sought for pensionary benefits from the respondent Municipality, though he was absent from duty from 1976 onwards.

4.Subsequent to the death of the petitioner's father Erusappan, there has been exchange of communications between the petitioner and the respondents with regard to the alleged non-payment of family pension.

5.Eventhough the petitioner claims that there has been a recommendation made by some of the respondents, recommending the payment of family pension in respect of the petitioner's father Erusappan, there has been no proceedings passed by any of the respondents admitting that family pension is payable in respect of the petitioner's father Erusappan.

6.The petitioner has filed the Writ Petition seeking for payment of family pension only in the year 2021. After that the request of the petitioner has been rejected under the impugned



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order dated 25.10.2021 passed by the fourth respondent. For a cause of action that arose in the year 1976 itself, the petitioner after a lapse of more than 40 years has filed this Writ Petition, which cannot be condoned by this Court. Being an inordinate delay which is not condonable, this Court has to reject this Writ Petition on the ground of laches, without going into the merits of the petitioner's contentions with regard to the non-payment of family pension. Having not been paid with the family pension, a prudent person would have approached this Court at the earliest point of time within a reasonable period.

7. For the foregoing reasons, this Court finds that this Writ Petition suffers from laches. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

19.09.2025

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



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ABDUL QUDDHOSE., J.

MR

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