



W.A(MD) No.1635 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 01.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A(MD) No.1635 of 2023

T.Chinna Nadar

... Appellant / Writ Petitioner

Vs.

- 1.The State of Tamil Nadu
Rep. by its Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.**
- 2.The Director of School Education,
College Road,
Chennai-600 006.**
- 3.The Chief Educational Officer,
Kanyakumari District at Nagercoil.**
- 4.The District Educational Officer,
Nagercoil, Kanyakumari District.**

**... Respondents /
Respondents**



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 10.07.2023 in W.P.(MD)No.18135 of 2019 on the file of this Court and allow the writ petition.

For Appellant : Mr.S.Xavier Rajini

For Respondents : Mr.C.Venkatesh Kumar
Special Government Pleader

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The appellant was appointed as Physical Education Teacher in the Government High School, Eraviputhoor, Kanyakumari District on 24.01.1972. He reached the superannuation on 31.07.2002 and he retired from service. He chose to file the writ petition seeking re-fixation of pension and for awarding monetary benefits by citing the other similarly placed individuals. He filed W.P.(MD)No.18135 of 2019. The learned single Judge vide order dated 10.07.2023 dismissed the writ petition. Aggrieved by the same, this writ appeal has been filed.



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3. The learned counsel for the appellant submitted that the learned single Judge was not justified in placing reliance on the Full Bench decision reported in 2017 (1) CWC 561 (The Government of Tamil Nadu rep. by the Secretary, School Education Department, Fort St.George, Chennai Vs. Eswaran). This is because subsequently a Division Bench took a contra view and concluded that there cannot be imposition of any cut off date in such matters and this subsequent Division Bench Judgment was also implemented by the department. There is some force in this contention advanced by the learned counsel for the appellant. But then, the reasons set out in Paragraph No.11 of the order of the learned single Judge cannot be surmounted. Paragraph No.11 of the order of the learned single Judge reads as follows:-

“11. Moreover, the petitioner has filed this writ petition belatedly. Any stale and belated claim cannot be entertained as per the Judgment dated 09.12.2021 passed in W.A. (MD)No.312 of 2011 in Division Bench. Therefore, for all these reasons, the petitioner is not entitled to the claim of selection grade and special grade as per G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993 and consequently, the petitioner is



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not entitled to G.O.Ms.No.62, (Finance (CMPC) Department), dated
09.03.2015.”

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4. The doctrine of laches cannot be ignored. When the writ petitioner retired in 2002, he ought to have approached the Court within a reasonable time thereafter. A writ petition filed 17 years after he retired from service cannot be entertained at all. The order of the learned single Judge cannot be faulted. The writ appeal is dismissed. No costs.

(G.R.S., J.) (K.R.S., J.)
01.07.2025

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Index : Yes / No

Internet : Yes / No

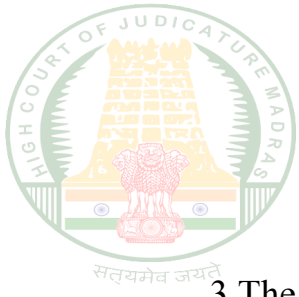
NCC : Yes / No

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To

1.The Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.

2.The Director of School Education,
College Road,
Chennai-600 006.



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3.The Chief Educational Officer,
Kanyakumari District at Nagercoil.

4.The District Educational Officer,
Nagercoil, Kanyakumari District.



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