



WEB COPY

WA No. 1089 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.A No. 1089 of 2026

K.Govindarajan
S/o.S.Krishnasamy,

..Appellant(s)

Vs

1. The Government of Tamil Nadu
Rep. by its Secretary,
Micro, Small and Medium Enterprises
Department,
Fort St. George, Chennai-9

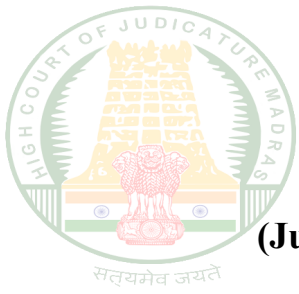
2. The Industries Commissioner
and Director of Industries and Commerce,
3rd Floor, SIDCO Head Office Buildings,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai 25.

..Respondent(s)

Writ appeal filed under Clause 15 of Letters Patent to set aside the
impugned order of this court dated 03.02.2026 passed in WP.No. 3109 of 2026.

For Appellant: Mr.N.Subramaniyan

For Respondents: Dr.R.Gowri
Government counsel



JUDGMENT

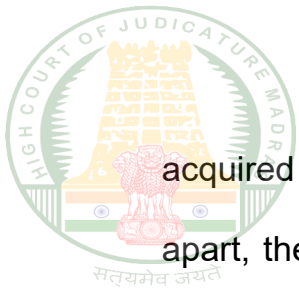
(Judgment of the Court was delivered by S.M.Subramaniam J.)

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The present intra-court appeal has been instituted challenging the writ order dated 03.02.2026 passed in W.P.No.3109 of 2026.

2. The appellant joined in Government Service as Assistant Engineer under the Directorate of Industries and Commerce on 20.01.1990 and retired as General Manager - Grade I on 30.06.2016. Even before joining into Government Service, the appellant had acquired M.E Degree in Mechanical Engineering from P.S.G College of Technology, Coimbatore. Based on the P.G. degree, the appellant submitted an application seeking two advance increments based on the Government Orders. The said application filed by the appellant on the eve of his retirement in year 2015 was rejected by the Government vide letter dated 20.05.2015. The appellant has not challenged the said rejection order within a reasonable period of time and filed the writ petition in the year 2026 after a lapse of about 9 years from the date of passing of the rejection order. Thus, the writ Court dismissed the writ petition on the ground of laches and by stating that the appellant retired from the service in the year 2016.

3. The learned counsel for the appellant would mainly contend that the cause of action is continuing one and therefore, the delay would not deny the rightful benefit by granting two advance increments for the P.G qualification



acquired by the appellant even before joining in the Government service. That apart, the order of rejection was passed against three other employees, who preferred a writ petition which was allowed and the State preferred a writ appeal which is pending.

4. This Court is of the considered view that the appellant appear to be fence sitter waited for about 9 years and merely by citing the writ appeal filed by the State in respect of other employees, he cannot seek any further relief. Fence sitters are not entitled for the relief beyond a reasonable period of time, more so, the appellant possessed the PG degree even before joining in the Government service in the year 1990 and application itself was filed in the year 2015 on the verge of his retirement. That apart, the order of rejection passed in the year 2015 came to be challenged in the writ petition in the year 2026 after the lapse of 9 years and therefore, this Court does not find any infirmity in respect of writ order impugned.

Accordingly, the writ appeal stands dismissed. No costs.

(S.M.S.,J.) (N.S.,J.)
02-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

gpa



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To

1. The Secretary
Government of Tamilnadu
Micro, Small and Medium Enterprises Department,
Fort St. George, Chennai-9
2. The Industries Commissioner
and Director of Industries and Commerce,
3rd Floor, SIDCO Head Office Buildings,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai 25.

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**S.M.SUBRAMANIAM, J.
AND
N.SENTHILKUMAR, J.**

gpa

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