2026:MHC:4435



Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 30-10-2026**

CORAM

**THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

**WP No. 38941 of 2024**

CNR:{HCMA012383652024}

**and**

**WMP No.42179 of 2024**

1. R.Sokku
2. E. Munusamy
3. V. Vadivelu
4. M. Manickam
5. P. Velayutham
6. M. Subramanian
7. M.Mathias
8. K.Chitrambalam
9. T.Kanniyammal
10. J. Ranjitham
11. R.Amutha

..Petitioner(s)

Vs

1. The Additional Chief Secretary to Government,
   Water Resource Department,
   Secretariat, Fort St.George,
   Chennai 600 009.

2. The Principal Secretary to Government,
   Finance Department, Secretariat,
   Fort St.George, Chennai 600 009.

3. Engineer In Chief (WRD) /Chief Engineer General,
   Water Resource Department,
   Chepauk, Chennai 600 005.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarifed Mandamus, to call for the records relating to the impugned order passed by the 1st respondent in Letter No. 4085/C2/2023 dated



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21.11.2024 and quash the same and consequently directing the respondents to implement the Revised Pay Scales of Pay, 2009 as per the recommendations of One Man Commission and sanctioned by the Govt. in G.O. Ms. No. 338 Finance (Pay Cell) Department dated 26.08.2010 and Govt. in G.O.Ms. No.325 Finance (Pay Cell) Department dated 22.07.2013 and as per the guidelines and recommendations issued subsequently in the various Government Notifications in favour of the petitioners considering their services rendered by them without any promotional avenues and pass appropriate orders in accordance with law within a reasonable time as fixed by this Court.

For Petitioner(s): Mr.L.P.Shanmugasundaram

For Respondent(s): Mr.S.Kumaresan,
Additional Advocate General
assisted by
Mr.V.Sivalingam,
Government Advocate

**ORDER**

This Writ Petition has been filed challenging the impugned order dated 21.11.2024 passed by the first respondent.

2. The learned counsel for the petitioners would submit that the petitioners retired from service as Time Keepers in the Public Works Department/Water Resources Department, after serving for more than 25 years, without any promotional avenues or additional benefits. It is also his contention that the petitioners were not extended the revised pay scales as per the



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recommendations of the One Man Commission, sanctioned under G.O.Ms.No.338, Finance (Pay Cell) Department, dated 26.08.2010, and G.O.Ms.No.325, Finance (Pay Cell) Department, dated 22.07.2013. The learned counsel would contend that, in accordance with G.O.Ms.No.338, the Government recommended the revision of pay scales and redesignation of technical categories under the category of Skilled Assistant Grade-II. Since the petitioners belong to the category of Skilled Assistant Grade-II, they are entitled to the Selection Grade and Special Grade pay scales of Rs.9,300–34,800 + Grade Pay of Rs.4,200.

2.1. He would further submit that, though such revision of pay was extended through Government Letter (Ms).No.4 dated 06.01.2021, the designation of Time Keeper was omitted from the tabular column due to a typographical error, which resulted in administrative confusion. In this regard, the Chief Engineer and Assistant Executive Engineer had issued a letter dated 05.05.2014; however, the authorities had not revised the pay scale. The learned counsel for the petitioners would submit that they had submitted various representations and had also filed W.P.No.21315 of 2023 seeking consideration of their representations. However, the respondents, after considering the representations submitted by the petitioners, rejected the same by way of the impugned order dated 21.11.2024. It is the contention of the learned counsel for the petitioners that, whenever a pay scale is fixed, the normal rule is that



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identically situated persons should be treated alike by extending similar benefits. In this regard, the learned counsel for the petitioners relied upon the judgment of the Hon'ble Supreme Court in ***State of U.P. v. Arvind Kumar Srivastava*****,** reported in ***(2015) 1 SCC 347***.

3. Per contra, the aforesaid contentions were stoutly opposed by the learned Additional Advocate General appearing for the respondents and would contend that the prescribed qualification for the post of Time Keeper is a pass in SSLC. Out of the 21 posts referred to in Government Letter (Ms).No.4 dated 06.01.2021, only 13 categories of trade posts requiring ITI qualification satisfied the criteria prescribed for trade posts. It is the further contention of the learned Additional Advocate General that, since the petitioners had failed in SSLC, their services were regularised by relaxing the relevant rules. He would also contend that, by Government Letter dated 11.05.2023, the Government had explicitly clarified that the post of Time Keeper is not a trade post. Therefore, the petitioners cannot be categorised as Skilled Assistants.

3.1. He would further submit that, pursuant to the directions issued by this Court, after hearing the petitioners, the impugned order was passed and, therefore, there are no grounds to interfere with the same. It is also the contention of the learned Additional Advocate General that the petitioners retired from service between 2008 and 2019 and that there was an inordinate



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delay in approaching this Court. Therefore, notwithstanding the merits of the claim, the present Writ Petition is liable to be dismissed even on the ground of delay and laches.

4. I have given my anxious consideration to the submissions made on either side.

5. The short point that arises for consideration in the present case is whether the petitioners can be categorised as a cadre belonging to a trade post and as Skilled Assistants.

6. Though the petitioners seek revision of their pay scales, it is an admitted fact that, under Government Letter (Ms).No.4 dated 06.01.2021, the Government had directed the respective departments to extend the revision of pay scales only to 13 categories of posts, wherein the post of Time Keeper was not included. Though the learned counsel for the petitioners would contend that the omission was only due to a typographical error, unless the said Government Letter is brought under challenge, the question of treating the omission as a typographical error, particularly in the exercise of judicial review, does not arise.



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7. In the present case, the specific stand of the petitioners is that the revision of pay scales ought to be applicable to Skilled Assistants, and that the petitioners belong to the said category. However, the petitioners have not established that they are Skilled Assistants. When the Government has taken such a specific stand and has clarified its position through Government Letter (Ms).No.4 dated 06.01.2021, and when there are no materials to establish a contrary position, this Court is of the firm view that there are no grounds to interfere with the impugned order.

8. Though the learned counsel for the petitioners relied upon the judgment of the Hon'ble Supreme Court in ***Arvind Kumar Srivastava*** (cited supra), this Court is of the firm view that the said judgment is not applicable to the facts of the present case, as the Government has clarified that the Time Keepers are not entitled to the revision of pay scales sought for, and the said Government Letter has not been challenged. Furthermore, as rightly contended by the learned Additional Advocate General, the present Writ Petition is also liable to be dismissed on the ground of delay and laches. The petitioners retired from service long ago. Though they had been submitting representations, this Court is of the firm view that the inordinate delay in approaching this Court would, in any event, render their claim liable to be rejected on the ground of delay and laches.



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9. In this regard, it would be useful to refer to the following judgments. For ready reference, the same are extracted one after another:-

(a) In ***M.Samuel Satyendranath Vs. State Bank of India*** **(W.P.No.39494 of 2015 dated 17.08.2023),** the relevant portion is extracted hereunder:-

> *"12. In this regard, the learned counsel for the respondents relied upon the Judgment of Hon'ble Supreme Court of India reported in 2014 4 SCC 108 in the case of Chennai Metropolitan Water Supply and Sewarage Board and others Vs T.T.Murali Babu, wherein held as follows:-*
>
> > *"In the case at hand, though there has been four years' delay in approaching the court, yet the writ court chose not to address the same. It is the duty of the court to scrutinize whether such enormous delay is to be ignored without any justification. That apart, in the present case, such belated approach gains more significance as the respondent-employee being absolutely careless to his duty and nurturing a lackadaisical attitude to the responsibility had remained unauthorisedly absent on the pretext of some kind of ill health. We repeat at the cost of repetition that remaining innocuously oblivious to such delay does not foster the cause of justice. On the contrary, it brings in injustice, for it is likely to affect others. Such delay may have impact on others' ripened rights and may unnecessarily drag others into litigation which in acceptable realm of probability, may have been treated to have attained finality. A court is not expected to give indulgence to such indolent persons - who compete with 'Kumbhakarna' or for that matter 'Rip Van Winkle'. In our considered opinion, such delay does not deserve any indulgence and on the said ground alone the writ court should have thrown the petition overboard at the very threshold."*



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(b) In ***Chennai Metropolitan Water Supply & Sewerage Board Vs. T.T.Murali Babu*** reported in ***(2014) 4 SCC 108***, which reads as follows:-

> ***"15.*** *In State of M.P. v. Nandlal Jaiswal [(1986) 4 SCC 566 : AIR 1987 SC 251] the Court observed that: (SCC p. 594, para 24)*
>
> > *"24. ... it is well settled that the power of the High Court to issue an appropriate writ under Article 226 of the Constitution is discretionary and the High Court in the exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic."*
>
> *It has been further stated therein that: (Nandlal Jaiswal case [(1986) 4 SCC 566 : AIR 1987 SC 251] , SCC p. 594, para 24)*
>
> > *"24. ... If there is inordinate delay on the part of the petitioner in filing a writ petition and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in the exercise of its writ jurisdiction."*
>
> *Emphasis was laid on the principle of delay and laches stating that resort to the extraordinary remedy under the writ jurisdiction at a belated stage is likely to cause confusion and public inconvenience and bring in injustice."*

(c) In ***C.Jacob Vs. Director of Geology & Mining*** reported in ***(2008) 10 SCC 115,*** which reads as follows:-

> *"13. Where an employee unauthorisedly absents himself and suddenly appears after 20 years and demands that he should be taken back and approaches the court, the department naturally will not or may not have any record relating to the employee at that distance of time. In such cases, when the employer fails to produce the records of the enquiry and the order of dismissal/removal, court cannot draw an adverse inference against the employer for not producing records, nor direct reinstatement with back wages for 20 years, ignoring the cessation of service or the lucrative alternative employment of the*



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*employee. Misplaced sympathy in such matters will encourage indiscipline, lead to unjust enrichment of the employee at fault and result in drain of public exchequer. Many a time there is also no application of mind as to the extent of financial burden, as a result of a routine order for back wages."*

(d) In ***State of Maharashtra Vs. Digambar*** reported in ***(1995) 4 SCC 683,*** the relevant portion is extracted hereunder:-

*"25. In our view, the above allegation is in no way sufficient to hold that the writ petitioner (respondent here) has explained properly and satisfactorily the undue delay of 20 years which had occurred between the alleged taking of possession of his land and the date of filing of writ petition in the High Court. We cannot overlook the fact that it is easy to make such kind of allegations against anybody that too against the State. When such general allegation is made against a State in relation to an event said to have occurred 20 years earlier, and the State's non-compliance with petitioner's demands, the State may not at all be in a position to dispute such allegation, having regard to the manner in which it is required to carry on its governmental functions. Undue delay of 20 years on the part of the writ petitioner, in invoking the High Court's extraordinary jurisdiction under Article 226 of the Constitution for grant of compensation to his land alleged to have been taken by the governmental agencies, would suggest that his land was not taken at all, or if it had been taken it could not have been taken without his consent or if it was taken against his consent he had acquiesced in such taking and waived his right to take compensation for it.*

(e) In ***State of M.P. Vs. Nandlal Jaiswal*** reported in ***(1986) 4 SCC 566,*** which reads as follows:-

*"24. Now, it is well settled that the power of the High Court to issue an appropriate writ under Article 226 of the Constitution is discretionary and the High Court in the exercise*



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*of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic. If there is inordinate delay on the part of the petitioner in filing a writ petition and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in the exercise of its writ jurisdiction. The evolution of this rule of laches or delay is premised upon a number of factors. The High Court does not ordinarily permit a belated resort to the extraordinary remedy under the writ jurisdiction because it is likely to cause confusion and public inconvenience and bring in its train new injustices. The rights of third parties may intervene and if the writ jurisdiction is exercised on a writ petition filed after unreasonable delay, it may have the effect of inflicting not only hardship and inconvenience but also injustice on third parties. When the writ jurisdiction of the High Court is invoked, unexplained delay coupled with the creation of third party rights in the meanwhile is an important factor which always weighs with the High Court in deciding whether or not to exercise such jurisdiction. We do not think it necessary to burden this judgment with reference to various decisions of this Court where it has been emphasised time and again that where there is inordinate and unexplained delay and third party rights are created in the intervening period, the High Court would decline to interfere, even if the State action complained of is unconstitutional or illegal. We may only mention in the passing two decisions of this Court one in Ramana Dayaram Shetty v. International Airport Authority of India [(1979) 3 SCC 489 : AIR 1979 SC 1628 : (1979) 3 SCR 1014] and the other in Ashok Kumar Mishra v. Collector [(1980) 1 SCC 180 : AIR 1980 SC 112 : (1980) 1 SCR 491] . We may point out that in R.D. Shetty case, even though the State action was held to be unconstitutional as being violative of Article 14 of the Constitution, this Court refused to grant relief to the petitioner on the ground that the writ petition had been filed by the petitioner more than five months after the acceptance of the tender of the fourth respondent and during that period, the fourth respondent had incurred considerable expenditure,*



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*aggregating to about Rs 1.25 lakhs, in making arrangements for putting up the restaurant and the snack bar. Of course, this rule of laches or delay is not a rigid rule which can be cast in a strait jacket formula, for there may be cases where despite delay and creation of third party rights the High Court may still in the exercise of its discretion interfere and grant relief to the petitioner. But, such cases where the demand of justice is so compelling that the High Court would be inclined to interfere in spite of delay or creation of third party rights would by their very nature be few and far between. Ultimately it would be a matter within the discretion of the court; ex hypothesi every discretion must be exercised fairly and justly so as to promote justice and not to defeat it.*

(f) In ***Maharashtra State Road Transport Corporation Vs. Shri Balwant Regular Motor Service*** reported in ***1968 SCC OnLine SC 54,*** which reads as follows:-

*"11. In any event, we are satisfied that it is not open to the private operators including Respondent 1 to apply for a writ in the nature of certiorari for quashing the order of the RTA dated September 10/11, 1965 in view of their conduct. It is not disputed that the private operators including Respondent 1 were present in the meeting of the RTA held on September 10/11, 1965 either personally or through duly appointed Counsel. Respondent 1 and the other private operators assured the RTA at the hearing that they would withdraw the writ petitions pending in the High Court. On such assurances, and subject to the actual withdrawal of the writ petitions in terms of the assurance, the RTA considered the matter in the said meeting and after hearing the parties, made an order giving effect to the compromise. It is obvious that the private operators including Respondent 1 were parties to the order dated September 10/11, 1965, had accepted that order, acted upon it and derived benefits and advantages from it for nearly one year and 9 months. But for the said order which suspended the operation of the permit of the appellant till July 1, 1967 the private operators*



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*including Respondent 1 could not have got temporary permits to operate on the same routes as no stage carriage permits could be issued under Section 62 of the Act during the subsistence of substantive permits. In these circumstances we consider that there was such acquiescence in the RTA's order dated September 10/11, 1965 on the part of Respondent 1 and other private operators as to disentitle them to a grant of a writ under Article 226 of the Constitution. It is well-established that the writ of certiorari will not be granted in a case where there is such negligence or omission on the part of the applicant to assert his right as, taken in conjunction with the lapse of time and other circumstances, causes prejudice to the adverse party. The principle is to a great extent, similar to though not identical with the exercise of discretion in the Court of Chancery. The principle has been clearly stated by Sir Barnes Peacock in Lindsay Petroleum Co. v. Prosper Armstrong Hurd. Abram Farewall, and John Kemp4 as follows:*

> *"Now the doctrine of laches in Courts of Equity is not an arbitrary or a technical doctrine. Where it would be practically unjust to give a remedy, either because the party has, by his conduct, done that which might fairly be regarded as equivalent to a waiver of it, or where by his conduct and neglect he has, though perhaps not waiving that remedy, yet put the other party in a situation in which it would not be reasonable to place him if the remedy were afterwards to be asserted, in either of these cases, lapse of time and delay are most material. But in every case, if an argument against relief, which otherwise would be just, is founded upon mere delay, that delay of course not amounting to a bar by any statute of limitations, the validity of that defence must be tried upon principles substantially equitable. Two circumstances, always important in such cases, are, the length of the delay and the nature of the acts done during the interval, which might affect either party and cause a balance of justice or injustice in taking the one course or the other, so far as relates to the remedy."*

*This passage was cited with approval by this Court in a recent case — Moon Mills Ltd. v. M.R. Mehar, President, Industrial court, Bombay5. In our opinion, the principle of this decision applies to the present case and since Respondent 1 and the other private operators had not even*



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*pleaded any circumstances justifying the delay or their conduct, the High Court was in error in granting a writ of certiorari in their favour."*

10. In view of the aforesaid position, this Court does not find any merit in the present Writ Petition. Accordingly, the same is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

**30-10-2026**
**2/2**

Index: Yes
Speaking order
Neutral Citation: Yes

KV

To

1. The Additional Chief Secretary to Government,
Water Resource Department,
Secretariat, Fort St.George,
Chennai 600 009.

2. The Principal Secretary to Government,
Finance Department, Secretariat,
Fort St.George, Chennai 600 009.

3. Engineer In Chief (WRD) /Chief Engineer General,
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**C.KUMARAPPAN J.**

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