
(2009) 09 MAD CK 0063

In the Madras High Court

Case No : Writ Petition No. 38448 of 2006 and O.A. No. 3288 of 1998

Era. Chezhan

APPELLANT

Vs

State of Tamil Nadu

RESPONDENT

Date of Decision : 30-09-2009

Acts Referred:

Citation : (2009) 09 MAD CK 0063

Hon'ble Judges : K. Chandru, J

Bench : Single Bench

Advocate : Bharatha Chakravarthy, for Sai, Bharath and Illan, for the Appellant;
R. Neelakantan, GA, for the Respondent

Final Decision : Dismissed

Judgement

K. Chandru, J.—Heard both sides.

2. This writ petition arose out of O.A. No. 3288 of 1998 filed by the petitioner before the Tamil Nadu Administrative Tribunal. In view of the abolition of the Tribunal, it was transferred to this Court and was renumbered as W.P. No. 38448 of 2006.

3. The petitioner sought for the issuance of a writ of certiorarified mandamus to call for the entire records relating to the impugned order made in

letter No. 65051/A1/97 dated 15.12.1997 of the second respondent and to quash the same and consequently, direct the respondents to give

pension, gratuity, leave salary and other benefits to the applicant in the cadre of District Registrar Scale of pay as the applicant is fully eligible and

might have been promoted as District Register on the crucial date i.e. 01.04.1996.

4. The petitioner was working as a Sub Registrar at Cuddalore. He got

superannuated on 30.11.1997. The petitioner had sent a representation, dated 5.11.97 stating that for the post of District Registrar for the year 1996-97, the Government has fixed the vacancy as 43 as per G.O.(2D) No. 22 Commercial Tax and Religious Endowment Department, dated 26.6.96. If the authorities had prepared the panel in time, the petitioner would have got promotion. But, by citing the earlier order, dated 18.10.93, a panel was prepared only for 23 posts. Therefore, he stated that since he was about to retire, to draw up a panel for the post of the District Registrar and also to include his name in the said panel. By the impugned order, the petitioner was informed that his petition was time barred.

5. It must be stated that the petitioner never sent any appeal within the time limit prescribed under the Rules and therefore, the impugned order rejecting his request for reconsideration cannot be faulted. Further, his OA itself was filed after his retirement. In this context, it may be useful to refer to the judgment of the Supreme Court in State of U.P. v. Roshan Singh reported in (2006) 13 SCC 661. The following passages found in paragraphs 4 to 6 may be usefully extracted below:

4. Secondly, the respondents filed the writ petition in July 1997 after they had retired from services. Even on this count they could not have been granted any relief sought for in the writ petition. The Division Bench of the High Court also committed a grave error of law and facts by confirming the judgment of the learned Single Judge, without assigning any reason.

Civil Appeals Nos. 7340-41 and 7315-16 of 2003

5. In the result these appeals deserve to be allowed and are accordingly allowed and the orders of the learned Single Judge and the Division Bench of the High Court are quashed and set aside.

6. These appeals are allowed and the writ petition filed by the respondents stands dismissed. However, the parties are asked to bear their own costs.

6. In the light of the above, the writ petition is misconceived and accordingly, the same is dismissed. No costs.