

(2013) 09 MAD CK 0143

In the Madras High Court

Case No : Writ Petition No. 7531 of 2009

N. Seetharaman

APPELLANT

Vs

State of Tamil Nadu, Chief Engineer (General) and
Superintending Engineer

RESPONDENT

Date of Decision : 17-09-2013

Acts Referred:

Citation : (2013) 09 MAD CK 0143

Hon'ble Judges : D. Hariparanthaman, J

Bench : Single Bench

Advocate : P. Ganesan, for the Appellant; K.V. Dhanapalan, AGP, for the Respondent

Judgement

D. Hariparanthaman, J.—The petitioner joined as a Road Inspector through Employment Exchange on 01.07.1972. Subsequently, he was appointed as Assistant Draughtsman on 26.10.1974. Thereafter, he was promoted as Junior Draughting Officer on 19.03.1980. The petitioner made a representation to the Chief Engineer (General), Chepauk, Chennai, the second respondent herein, for revising the seniority in the post of Junior Draughting Officer for the year 2004. According to him, the said representation has not been disposed of. Based on the seniority in the said post, further promotions have been made to the cadre of Draughting Officer and Senior Draughting Officer.

2. It is the contention of the petitioner that pending finalization of the seniority list in the post of Junior Draughting Officer, further promotions should not be made.

3. The petitioner has filed this writ petition, seeking for a writ in the nature of mandamus, to forbear the respondents from filling up the post of Head Draughting Officer even temporarily without finalizing the seniority list and publishing the same considering the objections raised by the petitioner in the cadre of Junior Draughting Officer, Draughting Officer and Senior Draughting Officer.

4. The petitioner also sought for an interim injunction in M.P. No. 1 of 2009, restraining the respondents from giving promotion to the post of Head Draughting Officer and an interim direction in M.P. No. 2 of 2009, to keep one post of Head Draughting Officer vacant.

5. The writ petition was admitted on 23.04.2009 and the miscellaneous petitions in M.P. Nos. 1 and 2 of 2009 were dismissed by this Court by an elaborate order dated 12.08.2009.

6. It is stated by the learned Additional Government Pleader that in view of the order dated 12.08.2009 made in M.P. Nos. 1 and 2 of 2009, further promotions were effected to all posts.

7. It is also relevant to take note of the finding of the learned Judge in the order dated 12.08.2009 in M.P. Nos. 1 and 2 of 2009 that the petitioner has not challenged either the seniority list or the promotion given to his juniors in the posts of Draughting Officer and Senior Draughting Officer.

8. It is stated that the petitioner retired from service. Taking into account the aforesaid facts and also the judgment of the Apex Court reported in P.S. Sadasivaswamy Vs. State of Tamil Nadu, , that was relied on by the learned Judge in the order dated 12.08.2009, the writ petition is liable to be dismissed.

9. It is relevant to extract the following passage of the judgment of the Apex Court reported in (1975) 1 SCC 154 [P.S. Sadasivaswamy v. State of Tamil Nadu], that was relied on by the learned single Judge:-

A person aggrieved by an order of promoting a junior over his head should approach the Court at least within six months or at the most a year of such promotion; it is not that there is any period of limitation for the Courts to exercise their powers under Article 226 nor is it that there can never be a case where the Courts cannot interfere in a matter after the passage of a certain length of time. But it would be a sound and wise exercise of discretion for the courts to refuse to exercise their extraordinary powers under Article 226 in the case of persons who do not approach it expeditiously for relief and who stand by and allow things to happen and then approach the Court to put forward stale claims and try to unsettle settled matters. The petitioner's petition should, therefore, have been dismissed in limine. Entertaining such petitions is a waste of time of the Court. It clogs the work of the Court and impedes the work of the Court in considering legitimate grievances as also its normal work. We consider that the High Court was right in dismissing the appellant's petition as well as the appeal.

Accordingly, the writ petition stands dismissed. No costs.