



CMP(MD) No.5806 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Sixteenth day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Dr.Justice ANITA SUMANTH
and
The Hon`ble Mr.Justice R.VIJAYAKUMAR

C.M.P.(MD)No.5806 of 2023
in
Rev.Applc(MD)No.SR45107 of 2022

M.MICHAEL RAJ

... PETITIONER/PETITIONER

Vs

1 THE CANARA BANK
REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR,
HAVING ITS HEAD OFFICE AT NO.112,
J.C.ROAD,
BANGALORE - 560 052.

2 THE GENERAL MANAGER (INDUSTRIAL RELATIONS SECTION),
(PERSONAL WING),
CANARA BANK,
NO.112, JC ROAD,
BANAGALORE - 560 052.

3 THE DEPUTY GENERAL MANAGER
CANARA BANK,
HUMAN RESOURCES MANAGEMENT SECTION,
CIRCLE OFFICE,
EAST VELI STREET,
MADURAI - 625 001.



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4 THE CHIEF MANAGER
CANARA BANK,
KARAIKUDI BRANCH,
KARAIKUDI - 630 001.

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 1407 days in filing the Review Petition and pass such further or other orders as this Honourable Court deems fit.

PRAYER IN Rev.Aplc(MD)No.SR45107 of 2022:

To review the order dated 06.09.2016 made in WA(MD)No.20 of 2013 and allow the above review petition.

Prayer in WA(MD). 20/ 2013 :

Writ Appeal is filed under clause 15 of Letters Patent, to set aside the order, dated 9.10.2012 passed in WP.(MD).No. 13075/2012. Prayer in WP: Writ of Certiorarified Mandamus Calling for the records of the 3rd respondent herein MDUC-HRM 9434/2011 KS dated 23.03.2011 and MDUC=HRM 2012/2011 R.V Dated 08.08.2011 and quash the same and direct the respondents herein to forthwith grant the stagnated increments to the petitioner and release the same to the petitioner with effect from 1st September 1990.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.V.J.LATHA, Advocate for the petitioner and of M/S.C.KARTHIK, Advocate on behalf of the Respondents the court made the following order:-



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(Order of the Court was made by DR.ANITA SUMANTH, J.)

This Civil Miscellaneous Petition is filed seeking condonation of delay of 1407 days in filing the Review Application.

2. The order as against which review is sought is dated 06.09.2016. The reasons as set out in the affidavit are to the effect that on passing of order dated 06.09.2016, the counsel was asked to apply for a certified copy, but the same could not be obtained. No reasons have been adduced as to why the order copy was not obtained.

3. The petitioner states that he was away for six months to stay with his son on account of his illness. The inability that such travel posed is also not explained. The petitioner thereafter has skipped to the Covid-19 pandemic, which gripped the world only in March, 2020. Thus, there is no explanation as to what transpired between 2017 and 2020.

4. On merits, the petitioner relies on the judgment of the Division Bench of this Court in WA(MD)No.617 of 2017 dated 20.11.2017, which according to him, has been

<https://www.mhc.tn.gov.in/judis>



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confirmed by the Hon'ble Supreme Court on 09.03.2018. No details of Special Leave
Petition (including the number of Special Leave Petition) have been supplied.

5. Even assuming that the above judgment is beneficial to the petitioner and touches on the same issue agitated in the review application, there is the elapse of more than five years from passing of order of the Special Leave Petition that remains unexplained. Hence, we are very reluctant to condone the delay of 1407 days simply for the asking.

6. However, we put the petitioner to terms and direct remittance of costs of a sum of Rs.1,00,000/- (Rupees One Lakh only) payable in equal portions (i.e.,50,000/- each) to the credit of (i) 'High Court Legal Aid Services Committee' and (ii) Rojavanam, Senior Citizen Home run by the Corporation of Madurai (Account No.6481560540, Indian Bank, Madurai Bench of Madras High Court, Madurai), within a period of two weeks from the date of receipt of a copy of this order, upon compliance of which the delay will stand condoned.

7. Though Mr.C.Karthick, who undertakes to file vakalat on behalf of the respondent would formally object to the condonation, upon imposition of terms, the



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resistance melts.

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8. Upon receipt of a memo enclosing the challans for remittance of costs by the petitioner, the review petition be numbered, if otherwise in order, and listed for hearing in due course.

sd/-
16/08/2023

/ TRUE COPY /

/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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COPY TO

1.THE OFFICER IN CHARGE,
LEGAL SERVICES AUTHORITY,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

2 THE OFFICER IN CHARGE ,
ROJAVANAM, SENIOR CITIZEN HOME
MADURAI .



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3. THE SECTION OFFICER,
WRIT SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
C.M.P.(MD)No.5806 of 2023
in
Rev.Aplc(MD)No.SR45107 of 2022
Date :16/08/2023

RK/BUC (22/08/2023) 6P /4C

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