

W.P.M.P.No.313 of 2010
in W.P. No.36712 of 2005

B.RAJENDRAN, J.

This petition is filed to restore the Writ Petition, which was dismissed for default in the year 2010. The reasons stated in the affidavit filed in support of this petition is that the petitioner obtained the case bundle from his previous counsel and waited for listing of the case. Therefore, he could not verify regarding the dismissal of the case as early as on 11.03.2010.

2.The Writ Petition has been filed in the year 2005, originally it was O.A.No.3032 of 1999 and it has been transferred from the Tamil Nadu Administrative Tribunal before this Court. On 27.03.2006, this Hon'ble Court has passed the following order;

“Already the matter was posted on 9.3.2006 and there was no representation on behalf of the petitioner on that day. Hence, the same was posted on 10.3.2006 and at request of the petitioner's counsel, the matter was adjourned by one week. Again, the matter is posted today and when the matter is called, there is no representation on behalf of the petitioner. Hence, the writ petition is dismissed for non-prosecution. No costs.”

B.RAJENDRAN, J.

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3.From the above, it is very clear that sufficient time has been given to the petitioner inspite of the same he has not utilised it. Therefore, it was dismissed for default. Thereafter, he filed a petition, which was restored on 14.06.2006. Again, the Writ Petition was posted in the year 2010, I have passed an order stated clearly that earlier it was dismissed for default and subsequently, it was restored and even thereafter when the case was posted under the caption “for dismissal” there is no appearance and therefore, once again it was dismissed for default on 11.03.2010. That order is now sought to be restored. The reasons stated in the affidavit filed in support of this petition cannot be accepted and according to the petitioner, the Original Application itself is only to accept the resignation letter, which has not been accepted. Therefore, nothing survives for adjudication. Hence, W.P.M.P.No.313 of 2010 is dismissed. Consequently, W.P.M.P.No.363 of 2012 is also closed.

17.08.2016

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