

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2016

CORAM

THE HON'BLE Mr. JUSTICE **K.K.SASIDHARAN**
and
THE HON'BLE Mr. JUSTICE **M.VENUGOPAL**

C.M.P.No.2089 of 2016
in
W.A.SR.No.102306 of 2015

The Secretary to Government,
Housing and Urban Development,
(UD2-3) Department,
Secretariat, Chennai - 9.

.. Petitioner

Vs.

1.M.Janarthanan

2.The Chairman,
Tamil Nadu Slum Clearance Board,
Chennai - 5.

3.The Managing Director,
Tamil Nadu Slum Clearance Board,
Chennai - 5.

4.The Secretary,
Tamil Nadu Slum Clearance Board,
Chennai - 5.

.. Respondents

Petition filed to condone the delay of 524 days in filing
W.A.SR.No.102306 of 2015 against the order dated 09.06.2014 made
in W.P.No.32563 of 2012.

For Petitioner	..	Ms.A.Srijayanthi, Spl. Govt. Pleader
For Respondents	..	Mr.David Tyagaraj in both the petitions

ORDER

(Order of the Court was made by **K.K.SASIDHARAN, J.**)

The instant petition has been filed, seeking condonation of delay to the extent of 524 days in preferring the appeal against the order dated 09 June 2014 passed in W.P.No.32563 of 2012, preferred by the first respondent herein.

2.Learned counsel appearing for the respondents would submit that against the very same impugned order, petitions seeking condonation of delay of 546 days in filing the appeals, came up for hearing before a Division Bench of this Court and by order dated 22 January 2016, the petitions were dismissed.

3.In the order dated 22 January 2016 made in C.M.P.Nos.656 and 657 of 2016 in W.A.SR.Nos.3816 and 3820 of 2016, this Court observed as under:

"2.In the affidavit filed in support of the petitions, it has been stated that there is a delay in obtaining the legal opinion of the learned Additional Advocate General. It does not refer as to when the matter was forwarded to the learned Additional Advocate General for legal opinion except stating that an opinion was received under letter dated 31.08.2015. The other grounds assigned by the petitioner are not sustainable for condonation of delay. In fact, the petitioner had failed to establish that the delay is bonafide and beyond the control of the petitioner.

3.The learned single Judge, relying on G.O.Ms.No.144 Personnel and Administrative Reforms (N) Department dated 08 June 2007, whereunder the Government had taken a decision to avoid suspension of an employee three months prior to the date of retirement on superannuation, had considered the petition and passed the order. As found by the learned single Judge, in these cases, the suspension orders were passed just six days before reaching the age of superannuation without any preliminary or discreet enquiry. On the other hand, the question of law does not seem to be substantial to be

decided in the instant appeals.

4.Since no satisfactory reasons have been assigned for condonation of delay, these petitions are dismissed. Consequently, the writ appeals stand dismissed at the S.R. stage. No costs."

4.In view of the order passed by the co-ordinate Bench in the identical matters, this petition is also dismissed. Consequently, the writ appeal stands dismissed at the S.R. stage.

(K.K.SASIDHARAN,J.) (M.VENUGOPAL, J.)

01 March 2016

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To

- 1.The Chairman,
Tamil Nadu Slum Clearance Board,
Chennai - 5.
- 2.The Managing Director,
Tamil Nadu Slum Clearance Board,
Chennai - 5.
- 3.The Secretary,
Tamil Nadu Slum Clearance Board,
Chennai - 5.

**K.K.SASIDHARAN, J.
and
M.VENUGOPAL, J.**

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in
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