

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2016

CORAM

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

C.M.P.No.2252 of 2016
in
W.A.SR.No.102310 of 2016

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

.. Petitioner

Vs.

1.M.Janarthanan

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

.. Respondents

Petition filed to condone the delay of 524 days in filing
W.A.SR.No.32564 of 2012.

For Petitioner

..

Ms.A.Srijayanthi,
Spl. Govt. Pleader

For Respondents

..

Mr.David Tyagaraj
in both the petitions

COMMON ORDER

(Order of the Court was made by **SATISH K.AGNIHOTRI, 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.32564 of 2012, preferred by the first respondent herein.

2.Learned counsel appearing for the respondents submits 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, wherein, one of us (*Satish K.Agnihotri, J.*) was a member and by order dated 22 January 2016, the said 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, it has been 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 above, this petition is also dismissed. Consequently, the writ appeal stands dismissed at the S.R. stage.

(SATISH K.AGNIHOTRI,J.) (M.VENUGOPAL, J.)

17 February 2016

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To

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

**SATISH K.AGNIHOTRI, J.
and
M.VENUGOPAL, J.**

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