

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2016

CORAM

THE HON'BLE Mr. JUSTICE **SATISH K.AGNIHOTRI**
and
THE HON'BLE Dr. JUSTICE **P.DEVADASS**

C.M.P.Nos.656 and 657 of 2016
in
W.A.SR.Nos.3816 and 3820 of 2016

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.

.. Petitioners in
C.M.P.No.656 of 2016

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

.. Petitioner in
C.M.P.No.657 of 2016

Vs.

1.M.Janarthanan

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

.. Respondents in
both the petitions

Petitions filed to condone the delay of 546 days in filing W.A.SR.Nos.3816 and 3820 of 2016.

For Petitioners	..	Mr.B.S.Sundaramurthi in both the petitions
For Respondents	..	Mr.David Tyagaraj in both the petitions

COMMON ORDER

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

The instant petitions have been filed, seeking condonation of delay to the extent of 546 days in preferring the appeals against the common order dated 09 June 2014 passed in W.P.Nos.32563 and 32564 of 2012, preferred by the first respondent herein.

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 petitioners are not

sustainable for condonation of delay. In fact, the petitioners had failed to establish that the delay is bonafide and beyond the control of the petitioners.

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.

(SATISH K.AGNIHOTRI,J.) (P.DEVADASS, J.)

22 January 2016

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**SATISH K.AGNIHOTRI, J.
and
P.DEVADASS, J.**

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To

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

C.M.P.Nos.656 and 657 of
2016 in
W.A.SR.Nos.3816 and 3820
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