



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

Thursday, the Eleventh day of August Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice NOOTY. RAMAMOHANA RAO
and

The Hon`ble Mr.Justice S.S.SUNDAR

CMP(MD) No.6464 of 2016

IN

WA(MD) No.SR21582 of 2016

1 THE DIRECTOR

DIRECTOR OF ADI DRAVIDAR TRIBAL WELFARE,
CHEPAUK, CHENNAI.

2 THE DISTRICT ADI DRAVIDAR WELFARE OFFICER,
NAGERCOIL, KANYAKUMARI DISTRICT.

3 THE SPECIAL TAHSILDAR

ADI DRAVIDAR WELFARE OFFICE, NAGERCOIL,
KANYAKUMARI DISTRICT.

... APPELLANTS/RESPONDENTS

Vs

M.MARCELIN ARULRAJ

... RESPONDENT/PETITIONER

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 608 days in filing the WA(MD)SR.No. 21582 of 2016 and thus render justice.

Prayer in WA(MD)SR.No. 21582 of 2016 :-Memorandum of Grounds of Writ Appeal under Clause 15 of Letter Patent, against the order dated 18.07.2014 made in WP(MD)No.10937 of 2009.

Prayer in WP(MD). 10937/ 2009 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the order passed by the 2nd respondent in Na.Ka.No. J5/17512/09 dated 24/09/2009 and quash the same.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.M.ALAGATHEVAN, Special Government Pleader for the petitioner and of MR.M.SUBASH BABU, Advocate on behalf of the Respondent the court made the following order:-



2. The District Adi Dravidar and Tribal Welfare Officer, Kankyakumari District has sworn to the affidavit filed in support of the petition. The only explanation offered for condonation of delay in paragraph 4 reads as under:

" I submit that the above order has been communicated to the office on 09.11.2009. As per receipt the same we have obtained permission from the Government to file appeal. Then we have obtained feasibility for filing appeal on March 2011. Then we have no sufficient officials in our office. Hence, we are not able to file appeal in time. Hence, there is delay of 608 days in filing the appeal.

It this application is not allowed the interest of the public will be put to irreparable loss.

It is therefore, prayed that this Hon'ble High Court may be pleased to stay the operation of the order dated 18.07.2014 made in W.P(MD)No.10937 of 2009 pending disposal of the above writ Appeal and other render justice.

Therefore, it is prayed that this Hon'ble High Court may be pleaded to condone the delay of 608 days in filing the appeal and thus render justice".

3. It is impossible for us to accept that sufficient number of officials are required to be stationed at a Government Office for preferring an appeal in time. The explanation offered for condonation of delay, is unreasonable and unacceptable, even though we are inclined to adopt a far more liberal approach for condoning the delay, particularly, when an in-house appeal is preferred by the Government and its functionaries. As the affidavit only reflected a mechanical and casual approach adopted by the officials in the matter of prosecuting the appeal and for sheer callousness in pursuing the appeal remedy, we cannot condone the delay. Hence, this Civil Miscellaneous Petition is rejected and accordingly the same is dismissed.

sd/-
11/08/2016

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



TO

1 THE DIRECTOR
DIRECTOR OF ADI DRAVIDAR TRIBAL WELFARE,
CHEPAUK, CHENNAI.

2 THE DISTRICT ADI DRAVIDAR WELFARE OFFICER,
NAGERCOIL, KANYAKUMARI DISTRICT.

3 THE SPECIAL TAHSILDAR
ADI DRAVIDAR WELFARE OFFICE, NAGERCOIL,
KANYAKUMARI DISTRICT.

+1 CC TO M/S.M.SUBASH BABU, ADVOCATE IN SR.NO.44024

CSL/SKS-RR/SAR-III/19.08.2016: 3P/5C

ORDER
IN
CMP (MD) No.6464 of 2016
IN
WA (MD) No.SR21582 of 2016
Date :11/08/2016