

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Appeal No.290 of 2016

JUDGMENT: *(per Hon'ble Sri Justice V. Ramasubramanian)*

The Chief Security Commissioner, Railway Protection Force, South Central Railway and two of his subordinates, have come up with this writ appeal, questioning the order passed by the learned Judge, condoning the delay of 1020 days in seeking restoration of a writ petition that was dismissed for non-prosecution.

2. Heard Smt. T.Balajayasree, learned counsel for the appellants.

3. The respondent in the writ appeal, was employed as Head Constable in the Railway Protection Force. He was imposed with penalty of compulsory retirement on 03.08.2005. After exhausting the departmental remedies, the respondent filed a writ petition challenging the imposition of penalty upon him. The writ petition was dismissed for non-prosecution by a learned Judge.

4. Thereafter, the respondent filed an application for restoration along with an application for condoning the delay of 1020 days in filing the restoration petition.

5. Finding reasonable grounds and cause to condone the delay, the learned Judge, allowed the application for condonation of delay. It is against the said order, the Railway Protection Force, has come up before us.

6. We have carefully gone through the affidavit filed by the respondent in support of his application for condoning the delay. We have also gone through the order of the learned Judge. The learned

Judge has exercised the discretion for condoning the delay, after considering the averments and also considering law on the point. Therefore, we find no grounds to interfere with the discretion exercised by the learned Judge.

7. Hence, the writ appeal is dismissed. There is no order as to costs. Pending miscellaneous applications if any, in this writ appeal shall stand closed.

V.RAMASUBRAMANIAN, J

R.KANTHA RAO, J

Date: 28.04.2016
BSS

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(per Hon'ble Sri Justice V.Ramasubramanian)

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Date: 28.04.2016

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