

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2017

CORAM

**THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN**

C.M.P.No.19548 of 2016

in

W.A. SR.79387 of 2016

and

W.A. SR.79387 of 2016

1. K.Loganathan
2. T.Raju
3. S.Jaynathi
4. A.Muthusamy
5. M.M.Chakkaravarthy
6. S.Sakthivel

Petitioners/Appellants

Versus

1. C.A.Thilagavathy
2. P.Baskaran
3. Mrs.Vatsala Vidyananthi
4. The State of Tamil Nadu,
rep. by its Secretary to Government,
Highways & Minor Ports Department,
Secretariat, Fort St. George,
Chennai 600 009.
5. The Chief Engineer (General),
Highways Department,
Chepauk, Chennai 600 005.
6. The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
VOC Nagar, Park Town,
Chennai 600 003.

Respondents/Respondents

Prayer: Petition filed under Section 5 of the Limitation Act to condone the delay of 1464 days in filing the above Writ Appeal against the order dated 11.12.2012 made in W.P.No.38885 of 2005.

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 11.12.2012 made in W.P.No.38885 of 2005 on the file of this court.

For petitioners/appellants : Mr.S.Nedunchezian

For RR1 to 3 : Mr.L.Chandrakumar

For RR4 and 5 : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

For R6 : Mrs.C.N.G.Niraimathi,
Standing Counsel

JUDGMENT

(Judgment of the court was made by RMT.TEEKAA RAMAN, J.)

Heard the learned counsel appearing for the parties for some time.

2. Challenging the order passed by the learned Single Judge directing for restoration of the rank assigned to the writ petitioners, the writ appeal has been filed with a delay of 1464 days in filing the same.

3. Perused the counter filed by respondents 1 to 3 herein viz., the writ petitioners. On merits, it appears that as against the order passed by the learned Single Judge, the Government had preferred a writ appeal in W.A.No.939 of 2014 and based on the order dated 17.7.2014 passed by the the Division Bench, subsequent Government Order has been passed and the order passed by the Division Bench still holds goods. Therefore, what is impugned in the writ appeal has already been affirmed already by a Division

Bench of this court. Such being the case, now, the order passed by the learned Single Judge is sought to be challenged in the present writ appeal that too with a delay of 1464 days in filing the same.

4. On perusal of the affidavit filed in support of the petition seeking to condone the delay, it is seen that the abnormal delay of 1464 days has not been properly explained. Apart from that even on merits, we do not find any reason to interfere with the order passed by the learned Single Judge. Therefore, the petition seeking to condone the the delay is dismissed and consequently, the writ appeal at SR stage is rejected. No costs.

(H.G.R.,J.)(T.K.R.,J.)

10.10.2017.

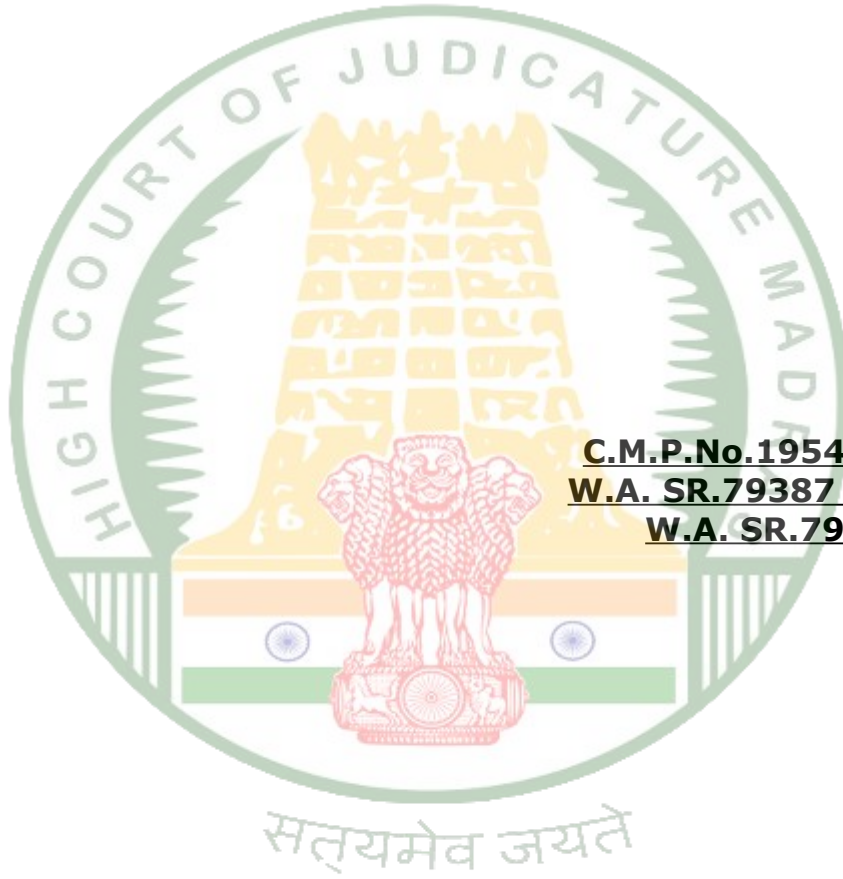
Index:Yes/No
Internet:Yes/No
ssk.

To

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Highways & Minor Ports Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Chief Engineer (General),
Highways Department,
Chepauk, Chennai 600 005.
3. The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, VOC Nagar,
Park Town, Chennai 600 003.

**HULUVADI G. RAMESH, J.
AND
RMT.TEEKAA RAMAN, J**

ssk.



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