



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 21.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH  
and  
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.A.(MD) No. 1600 of 2016  
against W.M.P.(MD).No.10401 of 2016  
in W.P.(MD).No.SR.55810 of 2014

K.Subash Manikandan ... Appellant/Petitioner/Petitioner

Vs

- 1.The Head, Disciplinary Authority,  
Indian Rare Earths Limited, Manavalakurichi,  
Kanyakumari District.
- 2.The Senior Manager (HRM) & Enquiry Officer,  
India Rare Earths Limited,  
Manavalakurichi, Kanyakumari District.
- 3.The Unit Head, Manavalakurichi Plant,  
Indian Rare Earths Limited, Manavalakurichi,  
Kanyakumari District. ... Respondents /Respondents/  
Respondents

Writ Appeal is filed under Clause 15 of Letters Patent against the order dated 04.08.2016 made in W.M.P.(MD).No.10401 of 2016 in W.P(MD).No.SR.55810 of 2014.

PRAYER IN W.M.P.(MD).No.10401 of 2016 in W.P(MD).No.SR.55810 of 2014: 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 428 DAYS in representing the WP(MD)SR.No.55810 of 2014.

PRAYER IN WP(MD)SR.No.55810 of 2014: Petition filed under Article 226 of the Constitution of India, pleased to issue Writ of Certiorarified Mandamus calling for the records pertaining to the order of the 1<sup>st</sup> Respondent No.MR/HRM/DE/1474/2013/3371 Dated: 20/05/2013 and quash the same and consequently direct the respondents to reinstate the petitioner in service.

For Appellant :Mr.C.K.M.Appaji



## JUDGMENT

[Judgment of the Court was delivered by R.SUBBIAH,J.]

The present Writ Appeal has been filed against the order dated 04.08.2016 made in W.M.P.(MD).No.10401 of 2016 in W.P(MD). No.SR.55810 of 2014, in and by which, the condone delay preferred by this appellant to condone the delay of 428 days in representing in W.P(MD)SR.No.55810 of 2014 was dismissed by the learned Single Judge on reasoning that the petition filed by him was totally bereft of any basic particulars and the Court could not make out what was the matter about it. Aggrieved over the same, the present appeal has been filed.

2. Learned Counsel appearing for the appellant would submit that he is having a fair chance of succeeding the case, if a chance is given to him and hence, he prays for appropriate orders.

3. In the light of the submission made by the learned Counsel for the appellant and in the interest of justice, we are of the considered view that the present appeal could be allowed by putting the appellant on terms.

4. Accordingly, this Writ Appeal is allowed subject to the condition that the appellant pays a sum of Rs.2,500/- (Rupees Two Thousand Five Hundred Only) to the Women Advocates Association MB Creche attached to the Madurai Bench of Madras High Court, on or before 25.01.2017. No costs.

5. For reporting compliance, list this matter on 27.01.2017.

SD

ASST REGISTRAR ( CS II )

TRUE COPY

SUB ASST REGISTRAR

ssm

TO

- 1.The Head, Disciplinary Authority,  
Indian Rare Earths Limited, Manavalakurichi,  
Kanyakumari District.
- 2.The Senior Manager (HRM) & Enquiry Officer,  
India Rare Earths Limited,  
Manavalakurichi, Kanyakumari District.
- 3.The Unit Head, Manavalakurichi Plant,  
Indian Rare Earths Limited, Manavalakurichi, Kanyakumari Dist.
- 4.The Women Advocate Association,  
MB CRECHE, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

W.A.(MD) No. 1600 of 2016  
against W.M.P.(MD).No.10401 of 2016  
in W.P.(MD).No.SR.55810 of 2014  
21.12.2016