

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 7.6.2018

CORAM

**THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**C.M.P.No.18389 of 2017
in
W.A. SR.56754 of 2017
and
W.A. SR.56754 of 2017**

The Superintending Engineer,
Vellore Electricity Distribution Circle,
Tamilnadu Electricity Board,
Gandhi Nagar, Vellore-6.

Petitioner/Appellant

Versus

1. Tmt.P.Kala

2. The Presiding Officer,
Labour Court, Vellore.

Respondents/Respondents

Prayer: Petition filed under Section 5 of the Limitation Act to condone the delay of 531 days in filing the above Writ Appeal against the order dated 11.12.2015 made in W.P.No.12165 of 2003.

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 11.12.2015 made in W.P.No.12165 of 2003 on the file of this court.

For petitioner/appellant : Mr.M.Fakkir Mohideen

For Respondents : Mr.J.Saravanel

COMMON JUDGMENT

(Judgment of the court was made by M.DHANDAPANI, J.)

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

2. The application is filed to condone the delay of 531 days in filing the writ appeal as against the order passed by the learned Single Judge whereby the writ petition filed by the Tamil Nadu Electricity Board was dismissed confirming the award passed by the Labour Court in favour of the first respondent herein.

3. It appears that the husband of first respondent died in harness and thereupon, the first respondent was appointed as Office Helper (Trainee) on 21.3.1996 on compassionate grounds, however, subsequently, on verification of the certificate produced by her to the effect that she had passed 8th Standard, it was found as bogus one and hence, the appellants had initiated disciplinary proceedings by issuing charge memo which ended in dismissal of service. Challenging the same, Industrial Dispute was filed by her and the Labour Court ordered reinstatement of the petitioner with backwages and continuity of service. Challenging the same, the writ petition was filed by the appellant. The learned Single Judge, after elaborate discussion confirmed the award passed by the Labour Court against which the present writ appeal has been filed by the Tamil Nadu Electricity Board, with an application to condone the inordinate delay of 531 days.

4. On perusal of the affidavit filed in support of the petition, we do not find any satisfactory reasons to condone the delay. Mere administrative

causes cannot be entertained to excuse the inordinate delay. A Division Bench of the Apex Court has held in the case of POSTMATER GENERAL AND OTHERS v. LIVING MEDIA INDIA LIMITED AND ANOTHER ((2012) 3 SCC 563) to the effect that law of limitation binds everybody equally including Government and defence by Government of impersonal machinery and inherited bureaucratic methodology cannot be accepted in view of modern technologies being used and available. The Apex Court, while declining to condone the delay, has further observed that the condonation of delay is an exception and it should not be used as an anticipated benefit for Government Departments by offering usual explanation that file was kept pending due to considerable degree of procedural red tape in the process.

5. Even on merits of the writ appeal, though we have given our anxious consideration, we do not find any reason to interfere with the award passed by the Labour Court and the order passed by the learned Single Judge. Accordingly, the petition seeking to condone the delay is dismissed and consequently, the Writ Appeal at SR stage is rejected.

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(H.G.R.,J.)(M.D.I.,J.)

7.6.2018.

Index:Yes/No

Internet:Yes/No

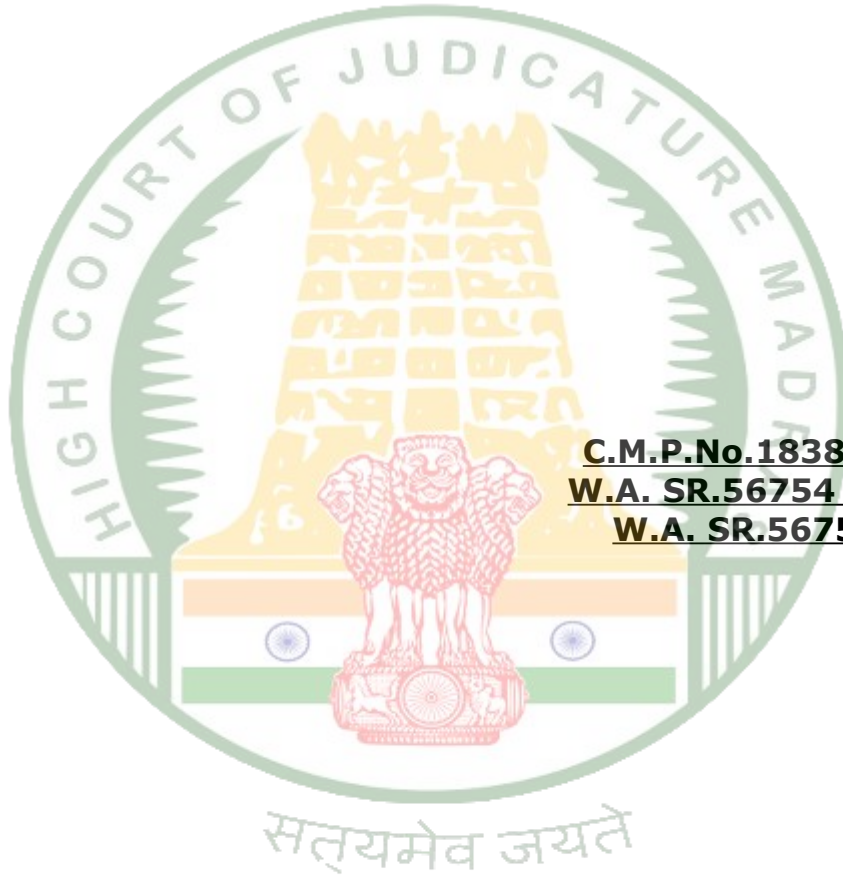
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To

The Superintending Engineer,
Vellore Electricity Distribution Circle,
Tamilnadu Electricity Board,
Gandhi Nagar, Vellore-6.

**HULUVADI G. RAMESH, J.
AND
M.DHANDAPANI, J.**

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