

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2018

CORAM

THE HON'BLE Mr. JUSTICE **M.M.SUNDRESH**
and
THE HON'BLE Mr. JUSTICE **N.ANAND VENKATESH**

C.M.P.No.2546 of 2016
in
Rev. Appl.SR.No.9303 of 2016

M.B.Sheela

.. Petitioner

Vs.

The Member Secretary,
Pondicherry Institute of Post Matric
Technical Education (PIPMATE),
PIPMATE Complex, Lawspet,
Puducherry - 605 008.

.. Respondent

Petition filed to condone the delay of 533 days in filing this
Review Petition against the order dated 09.07.2014 in W.A.No.900 of
2014.

WEB COPY

For Petitioner

: Mr.A.R.Nixon

For Respondent

: Mr.T.P.Manoharan

ORDER

(Order of the Court was made by **M.M.SUNDRESH, J.**)

Seeking to condone the delay of 533 days in filing the review petition, the present petition has been filed.

2.Learned counsel appearing for the petitioner would submit that the main writ petition has not been disposed of till now. It was not correct to state that the petitioner was not working in the same place. A wrong statement has been made by the respondent before the Division Bench, based upon which, the order was passed. Hence the delay has to be condoned and the review petition will have to be allowed.

3.Learned counsell appearing for the respondent would submit that factually the petitioner is not working in the original place. The statement recorded in para 4 of the order dated 09.07.2014 stands as on today. Merely because the petitioner has signed in the register, it cannot be stated that she is working. Hence no interference is required.

4. We do not find any reason to condone the delay of 533 days in filing the review petition. A perusal of the affidavit filed in support of the petition for condonation of delay would show that no sufficient reasons have been given. Non-disposal of the writ petition cannot be a ground to review the order passed. The order passed is very clear and specific. It was not passed based upon the statement made by the learned counsel for the respondent. This Court has specifically stated that the issue of payment of salary will be decided in the writ petition. Under those circumstances, the learned single Judge was directed to dispose of the writ petition expeditiously. Merely because the writ petition could not be taken up, the same cannot be a ground for review. To put it differently, we have not recorded any finding on fact with respect to the employment of the petitioner.

5. In such view of the matter, both on merits and on the question of condonation, we do not find any reason. Hence the miscellaneous petition is dismissed. Consequently, the review petition stands dismissed at the S.R. stage itself. However, we request the learned single Judge dealing with the final hearing of the writ petitions to take up the writ petition expeditiously, preferably within a period of

four weeks from today. At this stage, learned counsel appearing for the petitioner would submit that the petitioner may be permitted to join in the transferred place without prejudice to the contentions. Learned counsel appearing for the respondent does not have any objection for it.

6. In such view of the matter, the petitioner is permitted to join in the transferred place without prejudice to her contentions in the writ petition within a period of two weeks from the date of receipt of a copy of this order.

(M.M.S.J.)

(N.A.V.J.)

04.07.2018

Index:Yes/No
mmi

To

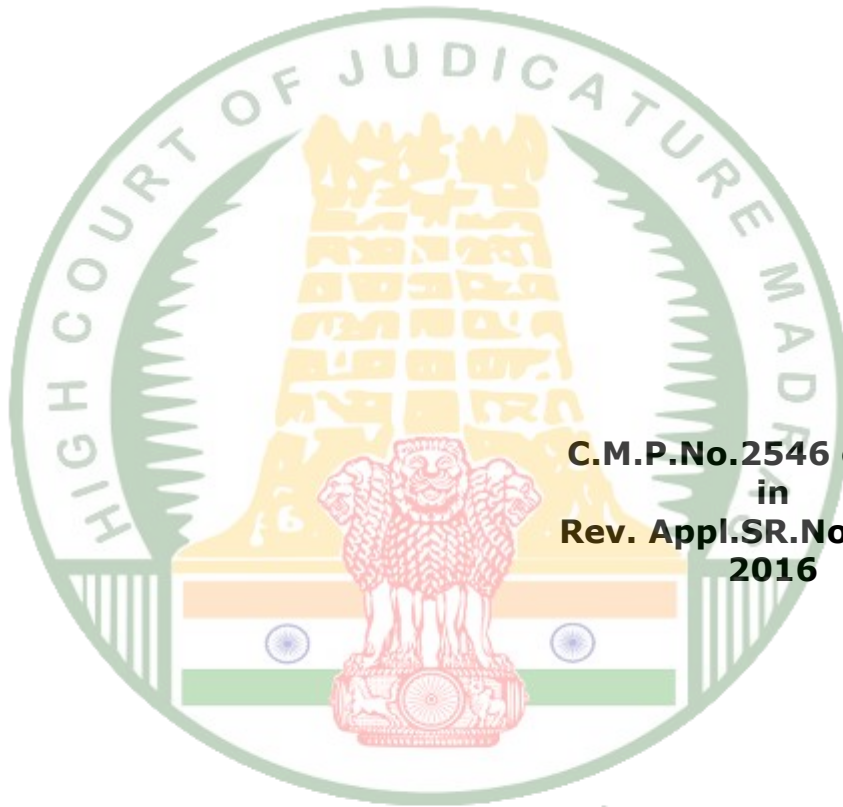
The Member Secretary,
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सत्यमेव जयते

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and
N.ANAND VENKATESH,J.**

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