

CMP Nos.18997 to 19005 of 2017
in WA Sr.Nos.80947, 80954, 80961, 80965, 80973, 80977, 80989,
80993 & 81543 of 2017 (9 Cases)

S.MANIKUMAR, J.,

AND

SUBRAMONIUM PRASAD, J.,

[Order of the Court was made by S.MANIKUMAR, J.]

Instant writ appeals are filed against the order passed in WP.Nos.17777, 17775, 17776, 17778, 17779, 17780, 17781, 17782 of 2015 dated 25.09.2015 & W.P.No.18723 of 2015 dated 25.06.2015. There is a delay of 719 days in filing the appeals. Hence, CMP Nos.18997 to 19005 of 2017, are filed for condonation.

2. Reasons assigned in paragraph Nos.12 to 16 of the supporting affidavits to CMP Nos.18997 to 19005 of 2017, are as follows.

"12. I submit that the certified copy of the order passed in the W.P.No.17777/15 was received by the counsel for the university on 04.11.15. Immediately on receipt of the certified copy of the order, the appellant herein approached the second respondent for appropriate orders in implementing the orders of this Hon'ble Court. Whiles, the second respondent referred the matter to various departments i.e. Law, Finance and Personnel and Administrative Reforms Department to ascertain whether it is a fit case for preferring the Writ Appeal before the Hon'ble Division Bench of this Hon'ble Court.

13. I submit that it is reliably learnt that the second respondent has taken steps to seek opinion from the aforesaid departments, and as a result of which considerable amount of time has elapsed. Notwithstanding above, the university has been followed up with the government from time to time and answered the queries raised by the government from time to time. In this connection it is submitted that the appellant university has exchanged several communications on various dates such as 12.10.2015, 03.11.2015, 18.11.2015, 25.02.2016, 13.05.2016, 28.10.2016, 16.11.2016 and 08.05.2017.

14. I submit that the second respondent has ultimately sent a communication to the appellant university on 21.9.17 vide Letter No.10892/AH6/2017-10 thereby directing the university to move the Hon'ble Division Bench by filing Writ Appeal against the order of the Learned Judge made in W.P.No.17777/15 dated 25.09.15. The university is required to implement the direction of the government in view of the huge financial implications involved in disbursing the benefits. As on date 157 employees are corresponding with the university seeking for reliefs for counting 50% of the casual labour services along with the regular services for pension purpose. Unless and until the financial position is cleared by the second respondent government, it is not possible for the university to proceed further in the matter.

15. I submit that the University has got great chances of success in the Writ Appeal. It is because of the policy decision taken by the second respondent, the appellant is constrained to move this Hon'ble Court by filing the Writ Appeal.

16. I submit that the Writ Appeal ought to have been filed on or before 3.11.15 due to the bonafide facts as explained above, the papers were presented before this Hon'ble Court on 5.10.17. Hence there has been a delay of 719 days which is neither willful, nor wanton but due to the aforesaid bonafides facts as stated above. In view of the fact that huge financial commitments is involved, it is necessary to condone the delay of 719 days in filing the writ appeal."

3. Respondent/writ petitioner in each of the Writ Appeal SRs, have filed a detailed counter affidavit, opposing the condonation.

4. Heard the learned counsel for both parties and perused the materials available on record.

5. Issue as to whether 50% of the past services rendered by those persons, who are regularised after 01.04.2003, has to be counted for pensionary benefits, are now before a Hon'ble Full Bench.

6. Though reasons assigned are not satisfactory, considering the pendency of the issue, we deem it fit to condone the delay in filing the instant appeals, on condition that the appellants pay the cost of Rs.1,000/- [Rupees One Thousand only] to each of the respondents/writ petitioners in CMPs / WA SRs., within a period of ten days from the date of receipt of a copy of this order, failing which, petitions to condone the delay, would stand dismissed, without further reference to this Court.

7. On payment of costs within the stipulated period and production of receipt, Registry is directed to number the Writ appeals, if they are otherwise in order and post the same for admission. Registry is directed to print the name of the learned counsel for the respondents/writ petitioners.

8. CMP Nos.18997 to 19005 of 2017, are ordered, accordingly.

[S.M.K.,J.] [S.P., J.]
19.12.2018

Note to office:
Issue order copy today.

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AND
SUBRAMONIUM PRASAD, J.,

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