



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 08.03.2018**

CORAM

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND**

**THE HONOURABLE MRS.JUSTICE R.THARANI
C.M.P. (MD) .No.12158 of 2016**

in

W.A(MD) .No.SR48027 of 2016

The District Collector,
Nagercoil
Kanyakumari District.

... Petitioner / Appellant

Vs.

1.T.Vimala Dani Bai

2.Mrs.Packia Daizy

... Respondents/Respondents

PRAYER in C.M.P. (MD) .No.12158 of 2016: This Miscellaneous Petition filed under Section 5 of the limitation Act, to condone the delay of 264 days in filing the Writ Appeal.

PRAYER in W.A. (MD) .No.SR48027 of 2016: This Writ Appeal filed under Clause 15 of Letters Patent, against the order of this Court passed in W.P.(MD).No.5137 of 2008 dated 10.02.2016.

Prayer in WP(MD)No. 5137/ 2008 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus, to call for the records in Se.Mu.Na.Ka.No.2790-A1-2007 dated 27.5.2008 on the file of the 1st respondent and quash the same as illegal and consequentially to direct the Respondent to appoint the petitioner as per the order of appointment in Se.Mu.Na.Ka.No.2790-A1-2007 dated 22.5.2008

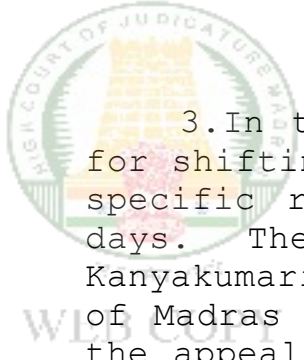
For Petitioner : Mr.V.R.Shanmuganathan
Spl. Government Pleader
For Respondent : Mr.T.Lajapathi Roy
No.1

O R D E R

[Order of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the petitioner and Mr.T.Lajapathi Roy, learned counsel appearing for the first respondent.

2.This application has been filed to condone the delay of 264 days in filing the writ appeal.



3. In the affidavit filed in support of this petition, except for shifting the blame to the Office of the Government Pleader, no specific reason has been given for condonation of delay of 264 days. The petitioner/appellant is the District Collector, Kanyakumari District, which is not far away from the Madurai Bench of Madras High Court, for the petitioner to be unable to present the appeal after 264 days. Thus, for the above reason, we are not inclined to condone the delay in filing the writ appeal, which is inordinate and unexplained.

4. The learned Special Government Pleader appearing for the petitioner submitted that the reason given by the writ Court for allowing the writ petition is incorrect as G.O.Ms.No.98, Personnel and Administrative Reforms (P) Department, dated 17.07.2016, does not apply to Anganwadi Workers, since the said post does not fall under the purview of the Tamil Nadu State and Subordinate Services Rules.

5. Since we have rejected the appeal at the stage of condonation of delay, we are vacating the findings rendered by the Writ Court and observe that the findings of the Writ Court based on G.O.Ms.No.98 dated 17.07.2016 shall not be treated as a precedent. We are not inclined to interfere with the order of the Writ Court as the respondents have been working as an Anganwadi Worker, since May 2008 and it may be inequitable to unsettle the said position at this juncture. Registry is directed to furnish certified copy of this order on application by parties.

6. With the above observation, this petition is dismissed. Consequently, rejected the writ appeal at SR stage. No costs.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

The District Collector,
Nagercoil,
Kanyakumari District.

+1cc to Mr.T.Lajapathi Roy, Advocate Sr.No.54648

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VB/SKN/RSK/SAR4/11.04.2018/2P/3C

C.M.P. (MD) .No.12158 of 2016
in

W.A(MD) .No.SR48027 of 2016
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