

C.M.P. No. 6533 of 2019

in

W.A.SR. No. 3891 of 2019

K.K. SASIDHARAN,J.

AND

P.D. AUDIKESAVALU,J.

(Order of the Court was made by K.K. SASIDHARAN,J.)

This petition is filed to condone the delay of 499 days in filing the intra-court appeal against the order dated 27 July, 2017 in W.P. No. 23782 of 2011.

2. The learned Single Judge taking into account the punishment imposed by the Disciplinary Authority on two other Village Administrative Officers, modified the punishment imposed on the respondent to one of cut in increment for a period of two years without cumulative effect. Since the said order was not complied with by the petitioners, the respondent filed a contempt petition. Thereafter, more particularly, after receiving notice for appearance in the contempt petition, the petitioners have filed the intra-court appeal along with the present application for condoning the delay.

3. The affidavit in support of the miscellaneous petition is sworn to by the Additional Secretary to Government, Revenue and Disaster Management Department. The information regarding delay is furnished in paragraph No.11 of the affidavit. The Additional Secretary to Government, in his affidavit contended that the copy of the judgment dated 27 July, 2017 was received by him only on 8 January, 2018. The order was communicated to the Government by this Court immediately after the certified copy was made ready. According to the deponent, the Government took considerable time in getting legal opinion from the Government Pleader, High Court, through the District Collector, Tiruvarur.

4. There is nothing on record to show as to when the matter was placed before the Government Pleader for furnishing opinion and the date on which the opinion was given by him. The so-called administrative delay alone cannot be a reason to condone the long delay in filing the appeal. Even otherwise, the learned Single Judge allowed the writ petition by taking into account the punishment imposed on other two co-delinquents. In fact, the learned Single Judge granted liberty to the petitioners to collect the loss from the respondent.

5. It is trite that the length of delay alone is not material. It is the reasons given for condoning the delay which alone is material. At times, even few days' delay would be fatal and a long delay would not be so. In any case, there is absolutely no reason given by the petitioners for condoning the delay of 499 days in filing the appeal. We are therefore of the view that the petitioners have not made out a case for condoning the delay.

6. In the upshot, we dismiss the miscellaneous petition.

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(K.K.S.J.)

(P.D.A.J.)

10 April, 2019

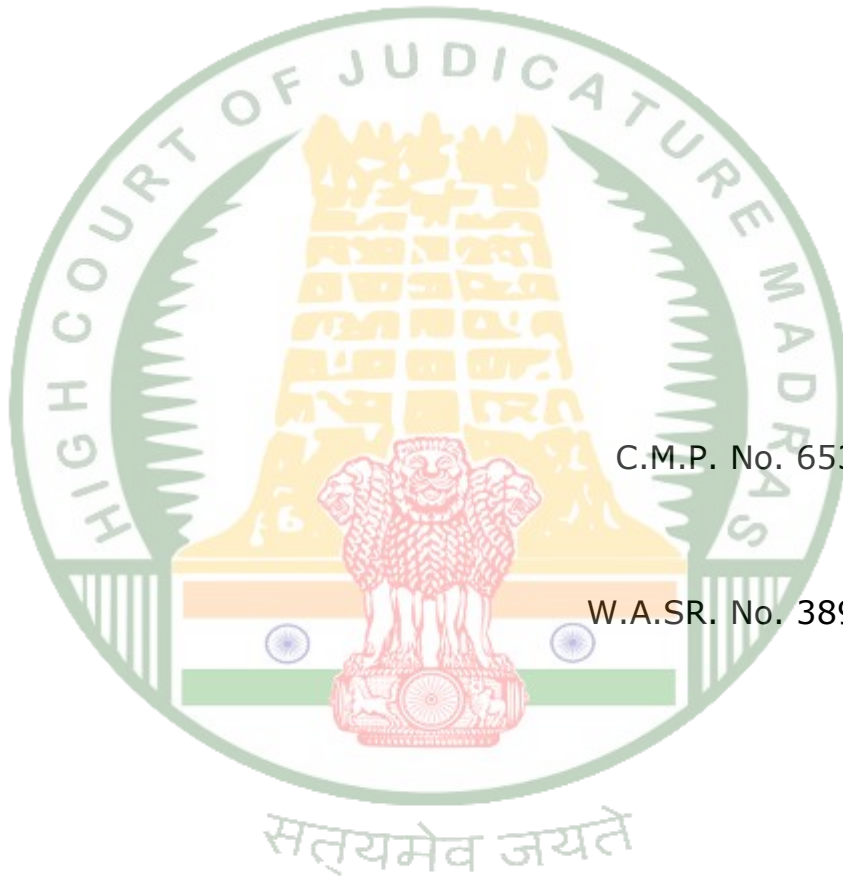
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