

C.M.P.No.17534 of 2019
in
W.A.SR.No.48858 of 2019

S.Manikumar,J
and
D.Krishnakumar,J

(Order of the Court was made by S.Manikumar,J)

Instant Writ Appeal Sr.No.48858 of 2019 is directed against the order made in W.P.No.28288 of 2017, dated 15.12.2017, by which the writ Court, set aside the impugned order dated 09.10.2017 passed by the fourth respondent and allowed the writ petition with liberty to the petitioner to participate in the next recruitment. There is a delay of 444 days in filing the Writ Appeal. Hence, C.M.P.No.17534 of 2019 is filed for condonation.

2. Reasons assigned in supporting affidavit to C.M.P.No.17534 of 2019, are as follows:

“The present writ appeal is filed within the framework of rules established for the purpose of making appointments to the post of Grade I Police Constable. Unless the order of the Judge is reviewed and set aside the respondents will be put to much hardship in running the department. Further if the above judgment is allowed to

come into force by implementing the present order it will be precedent in all such matters and the respondents may not be in a position to go against the rules laid down in rule 14(b) (ii) & (iv) of the Tamil Nadu Special Police Sub-ordinate Service Rules.

It is submitted that against the said order writ appeal ought to have been filed within 30 days from 15.12.2017. The copy of the order was received in this Office only 07.05.2018. Opinion of the Government Pleader was sought for and the opinion was received on 12.06.2018. Therefore there is a delay of 444 days in filing the writ appeal. The said delay is neither willful nor wanton but purely due to the above fact and administrative reasons. Unless this Hon'ble Court condones the delay of 444 days it will lead to great hardship. Therefore it is prayed that the delay of filing the writ appeal may kindly be condoned."

3. Heard Mr.P.S.Sivashanmuga Sundaram, learned Special Government Pleader for the petitioners/appellants.

4. Mr.Siddharth, learned counsel for the respondent made serious objection for the delay being condoned.

5. In **Sankaran Pillai vs. V.P.Venguduswami**, reported in **AIR 1999 SC 3060**, the Hon'ble Supreme Court held that,

"The question that is required to be seen is, what does the expression 'sufficient cause' means in sub-section (4) of Section 11 of the Act? It is no doubt true that the expression 'sufficient cause' has to be liberally construed to do substantial justice between the parties. But the expression 'sufficient cause' necessarily implies an element of sincerity, bonafide, and reasonableness".

6. Considering the issues raised in the instant appeal and it is trite law that pitted against substantial justice, delay requires to be condoned.

7. In the light of the above, we deem it fit to condone the delay. Hence, delay is condoned. CMP No.17534 of 2019, is ordered.

8. Registry is directed to number the appeal, if it is otherwise in order and post the same for admission.

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(S.M.K.,J) (D.K.K.,J)
24.09.2019

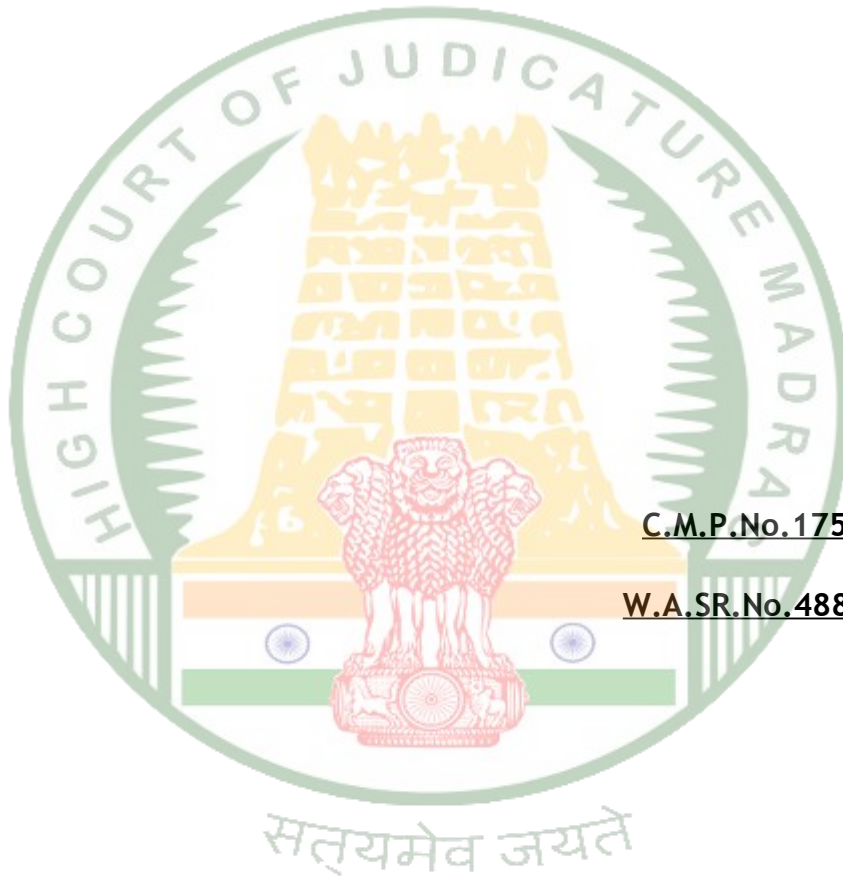
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