



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

C.M.P.[MD]No.9341 of 2019
in
W.A.[MD]SR.No.69017 of 2019

The Management,
Tamil Nadu State Transport Corporation Madurai
Division Ltd, Virudhunagar Region,
(Formerly Tamil Nadu State Transport Corporation
Madurai Division V),
Virudhunagar.

: Petitioner/Appellant
Vs.

1.P.Jothibasu

2.The Presiding Officer,
Labour Court,
Madurai.

: Respondents/Respondents

PRAYER: Civil Miscellaneous Petition filed under Section 5 of the Limitation Act, praying to condone the delay of 341 days in filing the above Writ Appeal before this Court against the order dated 20.09.2018 made in W.P.[MD]No.932 of 2012 on the file of this Court.

Prayer in WP(MD). 932/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records on the files of the 1st respondent pertaining to its proceedings order passed in I.D.No.14 of 2008 dated 23.06.2011 and quash the same.

For Petitioner : Mr.J.Senthil Kumaraiah

For Respondent No.1 : Mr.S.Govindan

O R D E R

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

Heard Mr.Senthil Kumariah, learned Standing Counsel for the petitioner and Mr.S.Govindan, learned Counsel accepting notice for the first respondent.



2. There is a delay of 341 days in filing the Writ Appeal against the order in W.P.[MD]No.932 of 2012 dated 20.09.2018.

3. We have perused the affidavit filed in support of this petition. Though, the affidavit is a five page affidavit, up to paragraph 8, it deals with the merits of the matter. In paragraph No.9, it is stated that after the receipt of the order in the writ petition, the files were placed before the Board of Directors of the petitioner Corporation and thereafter forwarded to the Management on 23.08.2019. The averments are absolutely vague. No sufficient cause has been shown to condone the inordinate delay. Therefore, we find no justification to entertain this petition.

4. Accordingly, this Civil Miscellaneous Petition is dismissed. Consequently, the Writ Appeal is rejected in the SR stage itself.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar(CS)

MR

TO
The Presiding Officer,
Labour Court,
Madurai.

+1 CC to M/s.J.SENTHIL KUMARAI AH, Advocate (SR-93011[F] dated 18/10/2019)

+1cc to Mr.S.Govindan, Advocate, SR.No.92091

Order made in
C.M.P.[MD]No.9341 of 2019
in
W.A.[MD]SR.No.69017 of 2019
Dated: 16.10.2019

JMN(25.10.2019) 2P : 4C