



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Tenth day of July Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN
and

The Hon`ble Mr.Justice P.RAJAMANICKAM

CMP(MD) No.2802 of 2020

in

W.A. (MD) SR.No.11967 of 2020

THE COMMISSIONER,
MADURAI MUNICIPAL CORPORATION,
MADURAI.

... APPELLANT/APPELLANT

Vs

1 N.ARUMUGAM

2 THE DIRECTOR OF MUNICIPAL ADMINISTRATION,
EZHILAGAM, CHEPAUK,
CHENNAI-600 009.

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 131 days in filing the Writ Appeal.

Prayer IN W.A. (MD) SR.No.11967 of 2020:

To set aside the order dated 16.09.2019 passed in WP(MD) No.13102 of 2017 on the file of this Hon`ble Court.

Prayer in WP(MD) No.13102 of 2017:

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay the salary to the post of Bill Collector to the petitioner from the date of the petitioner's promotion ie., 07.11.2006 with increments by considering the petitioner's representation, dated 26.05.2017 within the time frame that may be stipulated by this Court.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.K.GOVINDARAJAN, Advocate for the petitioner and of MR.R.PONKARTHIKEYAN, Advocate for R1, the court made the following order:-



(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

Heard the submissions of the learned Counsel appearing for the petitioner/appellant and also perused the affidavit filed in support of the petition.

2. A perusal of the affidavit filed in support of this petition would disclose that the merits of the impugned order which is the subject matter of challenge, have been put forth, but not the reasons for the delay.

3. Learned Counsel for the first respondent/writ petitioner also strongly opposed this petition.

4. However, taking into consideration the present situation and the facts and circumstances of the case, this Court is of the view that the delay in filing the appeal can be condoned by putting the petitioner/appellant on terms.

5. In result, this Civil Miscellaneous Petition is ordered and the petitioner/appellant is directed to pay a sum of Rs.3,000/- (Rupees Three Thousand only) to the "Madras High Court Madurai Bench Advocates Clerk's Welfare Association, High Court Premises, Madurai - 625 023", within a period of one week from today and file a Memo to that effect to the Registry.

6. The Registry, on receipt of such Memo, shall number the Writ Appeal, if the papers are otherwise in order and list it for admission and print the name of Mr.R.Pon Karthikeyan, learned Counsel for the first respondent/writ petitioner.

sd/-
10/07/2020

/ TRUE COPY /

/ /2020

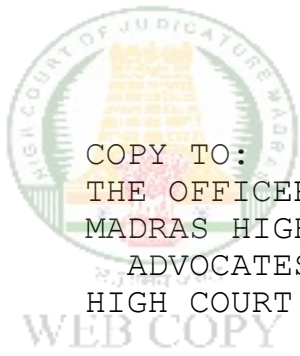
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

THE DIRECTOR OF MUNICIPAL ADMINISTRATION,
EZHILAGAM, CHEPAUK,
CHENNAI-600 009.

<https://hcservices.ecourts.gov.in/hcservices/>



COPY TO:
THE OFFICER INCHARGE,
MADRAS HIGH COURT MADURAI BENCH
ADVOCATES CLERK'S WELFARE ASSOCIATION,
HIGH COURT PREMISES, MADURAI-625 023.

ORDER
IN
CMP (MD) No.2802 of 2020
in
W.A. (MD) SR.No.11967 of 2020
Date :10/07/2020

RSB/SSL
JM/VR/SAR 2/13.07.2020/3P/3C