



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

Wednesday, the Twenty Second 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.2096 of 2019

IN

WA (MD) No.SR794 of 2019

1.THE COMMISSIONER OF RURAL DEVELOPMENT,
DEVELOPMENT AND PANCHAYAT RAJ,
SAIDAPET, CHENNAI - 600 015.

2.THE DISTRICT COLLECTOR,
THOOTHUKUDI DISTRICT,
THOOTHUKUDI.

... PETITIONERS/APPELLANTS

Vs

R.SAMUEL

... RESPONDENT/RESPONDENT

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 306 days in filing the above Writ Appeal and thus render justice.

PRAYER IN WA(MD) No.SR794 of 2019:

Pleased to allow the Writ Appeal and set aside the order dated 02.02.2018 made in W.P(MD)No.7358 of 2014 by this Hon'ble Court and thus render justice.

Prayer in W.P(MD)No.7358 of 2014 :

These writ petitions are filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the second respondent in proceedings in Na.Ka.No.6/19756/2013, dated 08.06.2013 rejecting the petitioner's request for promotion to the post of Junior Assistant under the 10% quota provided under G.O.Ms.No.189, Rural Development (E5) Department, dated 10.06.1997 and quash the same and promote the petitioner as Junior Assistant under the said quota and as per the integrated seniority list for promotion from various low level posts to the post of Junior Assistant published vide the proceedings of the second respondent herein in Lr.Memorandum No.Val2/64408/2004, dated 09.09.2005, prepared as per G.O in G.O.Ms.No.189, Rural Development (E5 Department) dated



10.06.1997, in which the petitioner's name finds place in Sl.No.6.

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.V.R.SHANMUGANATHAN, Special Government Pleader for the petitioners and of Mr.C.VENKATESH KUMAR, Advocate for M/s.AJMAL ASSOCIATES, for the respondent, the court made the following order:-

[Order of the Court was made by **M.SATHYANARAYANAN, J.,**]

The appellants, aggrieved by the allowing of the writ petition filed by the respondent/writ petitioner, had filed the above writ appeal with a delay of 306 days.

2. Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the petitioners/appellants has drawn the attention of this Court to paragraph No.5 of the affidavit filed in support of this petition and would submit that the delay had occurred on account of some correspondence and since the petitioners are advised that they are having a bright chance of success in this appeal, prays for condonation of delay, so that, the writ appeal can be disposed of on merits.

3. However, this petition is strongly opposed by the learned counsel appearing for the respondent/writ petitioner by contending that in the absence of any acceptable reason, such a huge delay cannot be condoned.

4. This Court, taking into consideration the averments made in the affidavit filed in support of this petition and other facts and circumstances, is inclined to order this petition by putting the petitioners on terms.

5. In the result, this civil miscellaneous petition is ordered subject to the condition that the petitioners jointly shall pay a sum of Rs.3,000/- (Rupees Three Thousand only) to the Additional Registrar General in-charge/Registrar Judicial within a period of one week from today and also file a memo to that effect. Registry, in the event of filing of the said memo, shall number the writ appeal, if the papers are otherwise in order and list it for admission and also print the name of M/s.Ajmal Associates, for respondent/writ petitioner.

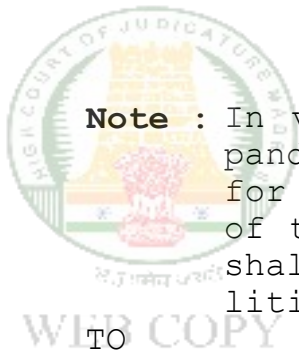
sd/-

22/07/2020

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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.

1.THE COMMISSIONER OF RURAL DEVELOPMENT,
DEVELOPMENT AND PANCHAYAT RAJ,
SAIDAPET, CHENNAI - 600 015.

2.THE DISTRICT COLLECTOR,
THOOTHUKUDI DISTRICT,
THOOTHUKUDI.

COPY TO:

THE ADDITIONAL REGISTRAR GENERAL I/C,
THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CMP (MD) No.2096 of 2019
IN
WA (MD) No.SR794 of 2019
Date :22/07/2020

VSM
TK/PN/SAR.3/27.07.2020/3P/4C