



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

Thursday, the Sixteenth 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.5443 of 2019
IN
WA(MD) No.SR22553 of 2019

SUBRAMANIAN,

... PETITIONER/APELLANT

Vs

1 THE REGISTRAR,
MADURAI KAMARAJ UNIVERSITY, MADURAI.

2 THE VICE CHANCELLOR,
MADURAI KAMARAJ UNIVERSITY, MADURAI.

3 THE DIRECTOR OF LOCAL FUND AUDIT,
KURALAGAM, IVTH FLOOR,
CHENNAI 18.

... RESPONDENTS/RESPONDENTS

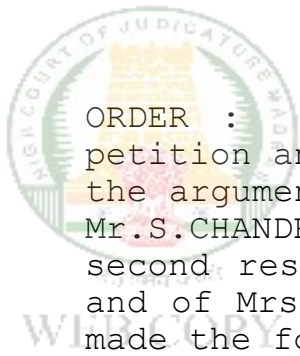
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to delay of 202 days in filing this writ appeal as against the order in WP(MD) No.20143 of 2018 dated 20.09.2018.

PRAYER IN WA(MD) No.SR22553 of 2019

To allow the writ appeal by partly setting aside the order in WP(MD)No.20143 of 2018 dated 20.09.2018 so far as the observation in regard to the back wages for the period during which he was under order of dismissal on the file of this Hon'ble Court and thus render justice.

Prayer in WP(MD). 20143/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of mandamus directing the respondents to pay the back wages of the regularized services of the petitioner from the period of suspension i.e., from 27.08.1990 till retirement by considering the petitioner's representation dated 20.07.2018.



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.S.M.A.JINNAH, Advocate for the petitioner and of Mr.S.CHANDRASEKARAN, Additional Public Prosecutor for R1 and of the second respondent not appeared either in person or by an advocate and of Mrs.S.SRIMATHY, Special Government Pleader for R3, the court made the following order:-

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

This Court heard the submissions of the learned counsel appearing for the petitioner and also perused the paragraph No.11 of the affidavit filed in support of this petition.

2. The learned counsel appearing for the first respondent is not connected through video conference. Though the name of the second respondent is printed in the cause list, nobody has entered appearance on their behalf. Mrs.S.Srimathy, learned Special Government Pleader accepts notice on behalf of the third respondent.

3. The reasons cited in the petition was that the petitioner was affected by viral fever and high blood pressure, therefore, the delay of 202 days in filing the appeal had occurred. However, it is to be noted that no medical certificate or prescription to that effect, has been enclosed.

4. This Court, taking into consideration of the age of the petitioner as well as the denial of back wages, is of the view that the delay of 202 days in filing the above writ appeal can be condoned by putting the petitioner on terms.

5. In the result, this civil miscellaneous petition is ordered subject to the condition that the petitioner shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) to the Additional Registrar General in-charge/Registrar Judicial within a period of two weeks 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 Mr.S.Chandrasekaran for first respondent.

sd/-
16/07/2020

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/ /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.

WEB COPY

TO

- 1 THE REGISTRAR,
MADURAI KAMARAJ UNIVERSITY, MADURAI.
- 2 THE VICE CHANCELLOR,
MADURAI KAMARAJ UNIVERSITY, MADURAI.
- 3 THE DIRECTOR OF LOCAL FUND AUDIT,
KURALAGAM, IVTH FLOOR, CHENNAI 18.

COPY TO:

THE ADDITIONAL REGISTRAR GENERAL IN-CHARGE/
REGISTRAR JUDICIAL,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CMP(MD) No.5443 of 2019
IN
WA(MD) No.SR22553 of 2019
Date :16/07/2020

vsm/gns
AE/JC/SAR-III (20.07.2020) 3P 5C