



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

Tuesday, the Twenty First day of July Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN
and
The Hon`ble Mr.Justice P.RAJAMANICKAM

C.M.P. (MD)No.7455 of 2019
in
W.A. (MD)SR.No.54384 of 2019

1.THE STATE OF TAMIL NADU,
REP.BY ITS SECRETARY,
SCHOOL EDUCATION DEPARTMENT,
FORT ST.GEORGE, CHENNAI-600 009.

2.THE JOINT DIRECTOR(VOCATIONAL) OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI-06.

3.THE DISTRICT EDUCATIONAL OFFICER,
PALANI,
DINDIGUL DISTRICT.

... PETITIONERS/APPELLANTS/
RESPONDENTS

Vs

D.LILLY

... RESPONDENT/ RESPONDENT/
PETITIONER

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 349 days in filling the writ appeal against the order dated 09.07.2018 passed in W.P.(MD)No.14338/2018 and render justice.

Prayer in WP(MD) No.14338 of 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 take the 50% of the part time service rendered by the petitioner ie. from 25.07.1983 to 04.10.1996 along with the regulars service for the pension benefits i.e., for the period of 21 years 01 months and 11 days based on the judgment dated 09.04.2014 passed in W.P.No.16771 of 2013.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mrs.S.SRIMATHY, Special Government Pleader for

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the petitioners and of No Appearance either in person or by an Advocate for the Respondent, the court made the following order:-

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

Heard the learned Special Government Pleader appearing for the petitioners/appellants/official respondents.

2. Though the respondent/writ petitioner has been served and her name has been printed in the cause list, there is no representation on behalf of the respondent/writ petitioner.

3. A perusal of the affidavit filed in support of this petition would disclose that the delay is administrative in nature.

4. The learned Special Government Pleader would also submit that the appellants are having a bright chance of success in the appeal, if it is disposed of on merits.

5. This Court, taking into consideration the arguments advanced by the learned Special Government Pleader appearing for the petitioners/appellants and on going through the contents of the affidavit filed in support of this petition, is inclined to condone the delay by putting the petitioners on terms.

6. In result, this Civil Miscellaneous Petition is ordered and the petitioners are jointly directed to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to "The Additional Registrar General i/c, viz., The Registrar (Judicial), Madurai Bench of Madras High Court, Madurai" within a period of two weeks from today and file a memo to that effect through e-mail to the Registry.

7. The Registry, on receipt of such Memo, shall number the Writ Appeal, if the papers are otherwise in order.

sd/-
21/07/2020

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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.

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TO

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2.THE JOINT DIRECTOR(VOCATIONAL) OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI-06.

3.THE DISTRICT EDUCATIONAL OFFICER,
PALANI, DINDIGUL DISTRICT.

COPY TO:

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

ORDER
IN
C.M.P. (MD)No.7455 of 2019
in
W.A. (MD)SR.No.54384 of 2019
Date :21/07/2020

SSL
TK/PN/SAR.2/24.07.2020/3P/5C