



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

C.M.P. (MD)No.11204 of 2018
in
W.A. (MD)No.SR 28939 of 2018

- 1 THE SECRETARY TO GOVERNMENT,
GOVERNMENT OF TAMIL NADU,
HEALTH AND FAMILY WELFARE (B-2) DEPARTMENT,
FORT ST.GEORGE, CHENNAI-600 009.
- 2 THE DIRECTOR OF MEDICAL & RURAL HEALTH SERVICES,
CHENNAI-600 006. ... PETITIONERS/APPELLANTS/RESPONDENTS

Vs

DR.RA.CHANDIRASEKARAN, ... RESPONDENT/RESPONDENT/PETITIONER

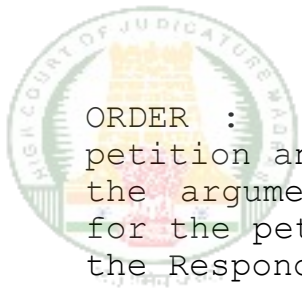
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 457 days in filing the above Writ Appeal against the Order dated 16.03.2017 made in W.P.(MD)No.2296 of 2012 and thus render justice.

PRAYER IN W.A. (MD)No.SR 28939 of 2018:

To set aside the order dated 16.03.2017 made in WP(MD)No.2296 of 2012 and allow this writ appeal and thus render justice.

Prayer in WP(MD). 2296/ 2012 :

To issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the first respondent in G.O. (D) No.809 Health & Family Welfare (1-2) Department dated 13.07.2009 and quash the same and consequently direct the respondents herein to promote the petitioner as Chief Civil Surgeon on par with his junior and also to effect further promotion as Joint Director of Medical Services with all monetary and other attendant benefits.



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.VR.SHANMUGANATHAN, Special Government Pleader for the petitioner and of MR.N.MOHIDEEN BASHA, Advocate on behalf of the Respondent, the court made the following order:-

WEB COPY

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

The Official respondents, aggrieved by the allowing of the writ petition filed by the respondent/writ petitioner, had filed the above appeal with a delay of 457 days.

2. Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the petitioners has drawn the attention of this Court to paragraph No.4 of the affidavit filed in support of this petition and would submit that the delay had occurred, primarily in the office of the Government Pleader and since a chance of success in the appeal is very bright, prays for condonation of delay.

3. Per contra, Mr.N.Mohideen Basha, learned counsel appearing for respondent/writ petitioner strongly opposes this petition by submitting that the delay is nearly one year and odd and also appears to be administrative in nature and in the absence of plausible explanations, such a huge delay cannot be condoned and also points out that the respondent/writ petitioner had retired from service also.

4. This Court has considered the rival submissions and also perused the materials placed before it.

5. 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.

6. In the result, this civil miscellaneous petition is ordered subject to the condition that the petitioners jointly shall pay a sum of Rs.5,000/- (Rupees Five 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 Mr.N.Mohideen Basha, for respondent/writ petitioner.

sd/-
22/07/2020

/ 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

- 1 THE SECRETARY TO GOVERNMENT,
GOVERNMENT OF TAMIL NADU,
HEALTH AND FAMILY WELFARE (B-2) DEPARTMENT,
FORT ST.GEORGE, CHENNAI-600 009.
- 2 THE DIRECTOR OF MEDICAL & RURAL HEALTH SERVICES,
CHENNAI-600 006.

COPY TO:

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

ORDER
IN
CMP (MD) No.11204 of 2018
IN
WA (MD) No.SR28939 of 2018
Date :22/07/2020

vsm

AE/PN/SAR-III (27.07.2020) 3P 4C