



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.M.P. (MD)No.1858 of 2021

in

W.A. (MD)SR No.10318 of 2021

in

(W.P(MD) No.14165 of 2015)

WEB COPY

The Commissioner of Treasuries and Accounts,
Finance (Salaries) Department,
Government of Tamilnadu,
Fort St.George, Chennai 600 015. ... Petitioner/Appellant

Vs.

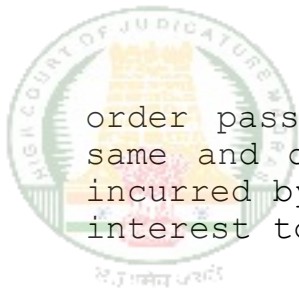
1. T.Nagasundaram ... Respondent/ 1st Respondent
2. The United India Insurance Company Limited,
Registered and Head Office,
24 Whites Road,
Chennai 600 014. ... Respondent/2nd Respondent
3. The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd,
Regional Office, By Pass Road,
Madurai 625 010. ...Respondent/3rd Respondent
4. The Assistant Manager (Labour Welfare & Pay Bill),
Tamil Nadu State Transport Corporation (Madurai) Ltd,
Regional Office, By Pass Road,
Madurai 625 010. ... Respondent/4th Respondent

Prayer in C.M.P. (MD)No.1858 of 2021 : Petition filed under Section 5 of Limitation Act to condone the delay of 603 days in filing the Writ Appeal against the common order dated 28.05.2019 made in W.P. (MD)No.14165 of 2015 etc., batch.

Prayer in W.A. (MD)SR.No.10318 of 2021 : Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P. (MD)No.14165 of 2015 etc., batch, dated 28.05.2019.

Prayer in WP(MD) . 14165/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, Mandamus calling for the records of the impugned



order passed by the 1st respondent dated 23.06.2015 and quash the same and direct the Respondents to reimburse the medical expenses incurred by the petitioner's wife to a sum of Rs.60,000/- along with interest to the petitioner herein.

WEB COPY

For Petitioner : Mr.B.Saravanan
Government Advocate

For Respondents : Mr.R.Saravanan
For R1
Mr.A. Shajahan
For R2
Mr.J.Senthil Kumaraiah
For R3, R4

* * * * *

ORDER

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

There is a delay of 603 days in filing the writ appeal, as against the order passed in the W.P(MD)No.14165 of 2015 etc., batch, dated 28.05.2019. In paragraph 18 of the affidavit filed in support of the petition, the petitioner has stated that the copy of the order was received by the third appellant on 22.07.2019 and the appeal ought to have been filed on or before 21.08.2019 and the same could not be filed in time, due to administrative reason. Further the petitioner has stated that on receipt of the copy of the order, the same was forwarded to the Government for obtaining necessary directions for filing the appeal and later on, the learned Advocate General opined that an appeal should be filed against the order passed in W.P(MD)No.14165 of 2015 etc., batch, dated 28.05.2019. Further the petitioner has stated that the Government had also given its consent for filing Writ Appeal. Hence, there is a delay of 603 days in filing the Writ Appeal.

2. The reasoning given by the petitioner cannot be accepted for condoning the inordinate delay of 603 days, for the reason that the averments are bald and there is no acceptable reason given by the petitioner for condoning the delay. The petitioner, in a casual manner, has filed the affidavit for condoning the delay of 603 days. As rightly stated in the counter affidavit of the first respondent, paragraph Nos.1 to 17 of the affidavit filed in support of the petition speak only about the merits of the case. The petitioner has stated reasons for the delay in paragraph Nos. 18 and 19, which cannot be accepted by this Court.

3. It is a settled position that the delay in filing the appeal should be properly explained and in the absence of any acceptable reason given by the petitioner, the same cannot be



condoned. In view of the same, we are not inclined to condone the delay of 603 days in filing the Writ Appeal. Accordingly, the petition is dismissed. Consequently, W.A(MD) SR No.10318 of 2021 is also rejected. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

LR/SSL

To

1. The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd,
Regional Office, By Pass Road,
Madurai 625 010.
2. The Assistant Manager (Labour Welfare & Pay Bill),
Tamil Nadu State Transport Corporation (Madurai) Ltd,
Regional Office, By Pass Road,
Madurai 625 010.

+1 CC to M/s.SPL GP (SR-28723[F] dated 08/09/2021)

+1 CC to M/s.R.SARAVANAN, Advocate (SR-28558[F] dated 08/09/2021)

C.M.P. (MD)No.1858 of 2021

in
W.A. (MD) SR No.10318 of 2021
07.09.2021

RK (20.09.2021) 3P 5C