



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2021

CORAM

The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM

AND

The Hon'ble Mrs.JUSTICE S.ANANTHI

C.M.P(MD)No.3466 of 2021

in

W.A(MD).SR.No.18156 of 2021

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The Forest Ranger,  
Forest Range Officer,  
Usilampatti Range,  
Elumalai Section,  
Kadavaipatti,  
Madurai District.

... Petitioner/Appellant

Vs.

1. Malaichamy

2. The Labour Court,  
Madurai.

....Respondents/Respondents

**Prayer in C.M.P(MD).No.3466 of 2021:** This petition is filed under Section 5 of the Limitation Act, to condone the delay of 809 days in filing the above appeal.

**Prayer in W.A(MD).SR.No.18156 of 2021:** Appeal under Clause 15 of the Letters Patent, against the order dated 05.12.2018, passed in W.P.(MD) No.14614 of 2015.

Prayer in WP(MD). 14614 of 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records relating to the impugned judgment dated 26.08.2008 passed by the 2nd respondent in I.D.60 of 2004 and quash the same.

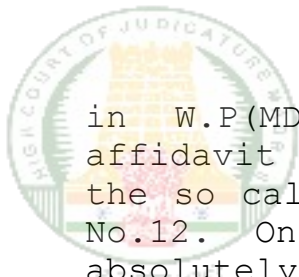
For Petitioner : Mr.K.P.Krishnadoss  
Special Government Pleader

### **O R D E R**

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.K.P.Krishnadoss, learned Special Government Pleader appearing for the petitioner.

2. This Civil Miscellaneous Petition has been filed to condone the delay of 809 days in filing the Writ appeal against the order



in W.P(MD) No.14614 of 2015, dated 05.12.2018. Though the affidavit filed in support of the petition runs to seven pages, the so called explanation for the delay is contained in paragraph No.12. On reading of the said paragraph, we find there is absolutely no explanation for the inordinate delay.

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3. We have perused the order passed in the writ petition. The writ petition was primarily dismissed on the ground of delay and laches. The petitioner-department had challenged the award of the Labour Court, Madurai, in I.D.No.60 of 2004, dated 26.08.2008, by filing a writ petition in the year 2015, i.e., after a lapse of seven years. The learned Single Bench rightly noted that the writ petition is liable to be dismissed on the ground of laches.

4. The learned Special Government Pleader would submit before us that the writ petition was originally filed challenging the award was numbered as W.P(MD)SR.No.2288 of 2010 and since steps were not taken, the writ petition appears to have been closed at the SR stage. This argument is put forth to state that there is no delay in filing the writ petition in the year 2015. The argument deserves to be outrightly rejected.

5. The second writ petition is not maintainable challenging the very same award of the Labour Court. Thus, we find that at every stage there is a delay and laches on the part of the petitioner-department and we find no reason to condone the inordinate delay in filing the appeal.

6. Accordingly, this Civil Miscellaneous Petition is dismissed. Consequently, the connected W.A(MD).SR.No.18156 of 2021 is rejected at the S.R. stage itself. No costs.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ksa/pkn

**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  
The Labour Court,  
Madurai.

+1 CC to M/s.SPL GP ( SR-15855[F] dated 15/04/2021 )

**C.M.P (MD) No.3466 of 2021**

**in**

**W.A (MD) .SR.No.18156 of 2021**

**08.04.2021**

TP (CO)

TR (04.05.2021) 3P 3C