



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.M.P. (MD) No.6749 of 2021
and W.A. (MD) SR. No.37885 of 2021

- 1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Higher Education Department,
Secretariat, Chennai - 9.
- 2.The Director of Collegiate Education,
Chennai - 6.
- 3.The Principal,
Periyar E.V.R. College,
Tiruchirappalli - 620 023. ... Petitioners in Miscellaneous
Petition and appellants in Writ Appeal

Vs.

S.Balasubramanian ... Respondent in Miscellaneous
Petition and respondent in
Writ Appeal

Prayer in C.M.P. (MD) No.6749 of 2021: Civil Miscellaneous Petition filed under Section 5 of Limitation Act, praying for condoning the delay of 992 days in filing the writ appeal against the impugned order dated 21.02.2017 passed in W.P.(MD) No.5956 of 2012.

Prayer in W.A. (MD) SR.No.37885 of 2021: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 21.02.2017 passed in W.P.(MD) No.5956 of 2012 and allow the Writ Appeal.

Prayer in WP(MD) . 5956/ 2012 :

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 redesignate the petitioner as Mechanic/Mechanic Grade I in the scale of apy applicable to the said post with effect from the date of his initial appointment along with subsequent revisions of pay and allowances and disburse the arrears with interest on the delayed payment, within a limited time frame as deem fit by this Honourable Court.



For Petitioners in C.M.P. : Mr.P.Subbaraj
and Appellants in W.A. SR. Spl.Government Pleader.

For Respondent in C.M.P. : Ms.Irfana Fathima
and W.A. SR. M/s.Ajmal Associates

WEB COPY

COMMON ORDER

(Order of the Court was made by PUSHPA SATHYANARAYANA,J.)

C.M.P.(MD) No.6749 of 2021 has been filed to condone the delay of 992 days in filing the writ appeal against the order dated 21.02.2017, passed in W.P.(MD) No.5956 of 2012.

2.Heard Mr.P.Subbaraj, learned Special Government Pleader, appearing for the appellants and Ms.J.Irfana Fathima, learned counsel for the respondent.

3.There is no explanation for the delay, except stating that there is an administrative delay. The certified copy has not been produced and the copy produced is only a free copy, that was sent to the officials by the Court. The delay is more than 3 years. Even though it may be administrative delay, unless sufficient cause for condoning the delay is shown, the same cannot be condoned. Hence, this Court is not inclined to condone the delay.

4.In view of the above, C.M.P.(MD) No.6749 of 2021 is dismissed. Consequently, W.A.(MD) No.37885 of 2021 is rejected. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

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,
Higher Education Department,
Government of Tamil Nadu,
Secretariat, Chennai - 9.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Director of Collegiate Education,
Chennai - 6.

3.The Principal,
Periyar E.V.R. College,
Tiruchirappalli - 620 023.

WEB COPY

+2 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-35209[F] dated
19/11/2021)

+1 CC to M/s.SPL GP (SR-35351[F] dated 22/11/2021)

C.M.P. (MD) No.6749 of 2021
and W.A. (MD) SR. No.37885 of 2021
19.11.2021

_RD(03.12.2021) 3P 7C