



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2021

CORAM:

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND**

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.M.P. (MD) No.9371 of 2021

and W.A. (MD) SR. No.52797 of 2021

WEB COPY

1.The Registrar of Cooperative Societies,
Chennai - 600 010.

2.The Regional Joint Registrar,
(Cooperative Societies),
Kanyakumari Region,
Nagercoil,
Kanyakumari District.

3.Circle Deputy Registrar,
(Cooperative Societies),
Thuckalay Circle,
Palace Road,
Thuckalay,
Kanyakumari District.

... Petitioners in Miscellaneous
Petition and appellants in Writ Appeal

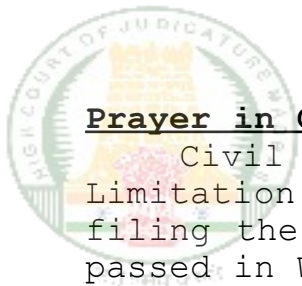
Vs.

1.S.Jeyasekar,
Assistant/Clerk (Deputation),
Vizhuthayambalam Primary Agricultural
Cooperative Credit Society Ltd.,
No Y 93, Vizhuthayambalam Post,
Kanyakumari District.

2.No K V 125, The Kanyakumari District
Khadi Village Industries Board Employees
Cooperative Thrift & Credit Society Ltd.,
Rep. by its Special Officer,
Karungal - 629 157.
Kanyakumari District.

3.No Y 93, Vizhuthayambalam Primary
Agricultural Cooperative Credit Society Ltd.,
Rep. by its Special Officer,
Vizhuthambalam Post,
Kanyakumari District.

... Respondents in Miscellaneous
Petition and Respondents in
Writ Appeal



Prayer in C.M.P. (MD) No.9371 of 2021:

Civil Miscellaneous Petition filed under Section 5 of Limitation Act, praying for condoning the delay of 1879 days in filing the writ appeal against the impugned order dated 10.11.2014 passed in W.P.(MD) No.16360 of 2012.

Prayer in W.A.(MD) SR.No.52797 of 2021:

Writ Appeal filed under Clause 15 of Letter Patent Appeal, praying to set aside the order dated 10.11.2014 passed in W.P.(MD) No.16360 of 2012 and allow the Writ Appeal.

Prayer in WP(MD). 16360/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the 2nd respondent Regional Joint Registrar herein to pass appropriate orders on the proposals submitted by the 4th respondent dated 23.10.2010 and 21.05.2012 and by the 5th respondent dated 23.10.2010 and 21.05.2012 requesting permission to absorb the petitioner permanently as Assistant / Clerk towards the vacant post in the 5th respondent Co - operative Society, and further direct the respondents not to fill up the vacant post of Assistant / Clerk in the 5th respondent Co-operative Society till the 2nd respondent passes such order.

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

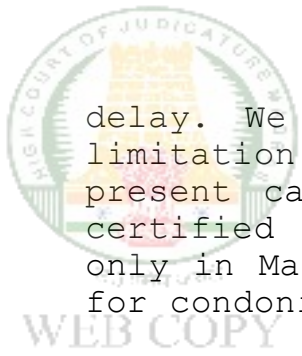
COMMON ORDER

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

C.M.P.(MD) No.9371 of 2021 has been filed for condoning the delay of 1879 days in filing the Writ Appeal against the order dated 10.11.2014, passed in W.P.(MD) No.16360 of 2012.

2.The Writ Appeal is directed against the Mandamus issued by this Court, directing the second respondent to pass appropriate orders on the proposals submitted by the respondents 2 and 3 herein for the permanent absorption of the first respondent herein with all consequential benefits within a period of four weeks.

3.The said order was passed on 10.11.2014 and the Writ Appeal is of the year 2021, filed with a delay of 1879 days. Even as per the affidavit filed in support of petition, it is stated that the copy of the order was received in the month of January, 2015, thereafter, they have sought for clarification for filing appeal from the State Government. In the meanwhile, a Contempt Petition was filed in Cont.P.(MD) No.179 of 2021, though closed subsequently. The petitioner has also made a mention in the affidavit about the extension of limitation issued by the Hon'ble Supreme Court in view of the pandemic as reason for condoning the



delay. We are unable to understand as to how the extension of limitation by the Hon'ble Supreme Court is applicable to the present case as the impugned order was passed on 10.11.2014 and certified copy of the order was made ready and the pandemic was only in March, 2020. In the absence of just and sufficient reasons for condoning the delay, we are not inclined to condone the delay.

4. Accordingly, C.M.P.(MD) No.9371 of 2021 is dismissed. Consequently, W.A.(MD) No.52797 of 2021 is rejected. No costs.

Sd/-

Assistant Registrar (CS III)

// 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 Registrar of Cooperative Societies,
Chennai - 600 010.

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Thuckalay,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-34576[F] dated 16/11/2021)

C.M.P. (MD) No.9371 of 2021
and W.A. (MD) SR. No.52797 of 2021
15.11.2021