



C.M.P.No.17476 of 2022 in W.A.No.SR 109074 of 2022

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THE HON'BLE ACTING CHIEF JUSTICE

and

D.KRISHNAKUMAR, J.

(Order of the Court was made by The Hon'ble Acting Chief Justice)

This civil miscellaneous petition has been filed by the Secretary to Government, Public (Law Officers) Department, Chennai seeking to condone the delay of 154 days in filing the writ appeal against the order dated 15.02.2022 passed in Writ Petition No.32337 of 2012.

2. The respondent/writ petitioner, having served as Law Officer, filed the Writ Petition No.32337 of 2012 challenging the order dated 18.01.2011 passed by the petitioner/second respondent therein and to quash the same with a consequential direction to the second respondent therein to issue appropriate instructions to the Departments of Secretariat to sanction fees as claimed by him. The learned single Judge, after elaborate discussions, disagreeing with the stand taken therein, allowed the writ petition vide order dated 15.02.2022, answering the objections made by the petitioner/second respondent therein, holding that great hardship has been caused to the



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respondent/writ petitioner. Aggrieved by the order dated 15.02.2022, the petitioner has proposed to file the writ appeal. In the meanwhile, the delay of 154 days has occurred. Seeking an order to condone the aforesaid delay, the present civil miscellaneous petition has been filed.

3. Mr.J.Ravindran, learned Additional Advocate General appearing for the petitioner argued that when the learned single Judge passed the order on 15.02.2022 allowing the writ petition, the same was received on 04.04.2022. Immediately thereafter, legal opinion was sought for from the office of the learned Advocate General by letter dated 20.04.2022. After providing the said legal opinion on 19.05.2022, again they had to comply with certain administrative procedures. While fulfilling the procedural formalities, the delay of 154 days has occurred. The said delay is neither wilful nor wanton, therefore, the same may be condoned, he pleaded.

4. But we do not find any sufficient cause to condone the aforesaid delay. When the learned single Judge passed the order on 15.02.2022, the same was received on 04.04.2022, thereafter, although the petitioner pleads that they have taken legal opinion from the office of the learned Advocate



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General by letter dated 20.04.2022, we do not find any justification to condone the delay of 154 days in filing the writ appeal. Therefore, the civil miscellaneous petition stands dismissed. Consequently, W.A.No.SR 109074 of 2022 stands rejected.

(T.R.,A.C.J.) (D.K.K.,J.)

14.10.2022

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