



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Seventh day of June Two Thousand and Twenty Two

PRESENT

**The Hon`ble Mr.Justice S.S.SUNDAR
and**

The Hon`ble Mrs.Justice S.SRIMATHY

CMP (MD) No.2858 of 2022

IN

WA (MD) SR.No.374 of 2022

THE MANAGEMENT,
TAMILNADU TRANSPORT CORPORATION,
NAGERCOIL DIVISION,
RANITHORTAM,
NAGERCOIL.

... PETITIONER/APPELLANT

Vs

1 THE PRESIDING OFFICER
LABOUR COURT,TIRUNELVELI.

2 S.RAMESH (DRIVER)
REPRESENTED BY HIS GENERAL SECRETARY
KAMARAJ NADAR EMPLOYEES UNION,
REGISTRATION NO.537/KKM,NAGERCOIL REGION,
NAGERCOIL.

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 348 days in filing the Writ Appeal(MD) SR.No.374 of 2022.

PRAYER IN WA(MD) SR.No.374/2022:

Pleased to set aside the order of the Hon'ble single judge dated 12.03.2019 in W.P.(MD)No.19339 of 2017 by allowing this Writ Appeal.

Prayer in WP(MD). 19339/ 2017 :

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the 1st respondent in the proceedings in I.D.No.31/2016 dated 27.02.2017, quash the same.



ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.R.RAJAMOCHAN, Advocate for the petitioner and of Mr.M.DENNIS JOE, Advocate on behalf of the 2nd Respondent, the court made the following order:-

WEB COPY (Order of the Court was made by S.S.SUNDAR,J.,)

This petition is filed to condone the delay of 348 days in filing the appeal against the order of dismissal of the writ petition filed by the petitioner Management.

2.In the affidavit filed in support of the petition, it is stated that the case was referred to the panel advocate for his opinion for filing appeal and after obtaining legal opinion, the matter was once again placed before the Board of Members for approval. It is further stated that during January 2020, the then Standing Counsel was expelled from the Panel and new panel counsel was appointed. Thereafter, the entire case bundle was handed over to the new Standing Counsel only during the first week of October 2021 and also due to Covid-19, the delay has occurred and hence it is stated that the delay is neither wilful nor wanton.

3.This Court accepts the reason stated in the affidavit to condone the delay in filing the above writ appeal. Due to Covid-19, the advocates also had some difficulties in attending regular office work and therefore, some leniency is expected from this Court. However, the application was seriously opposed by the respondents.

4.Considering the facts and circumstances of the case, this Court is inclined to allow the application on the following terms:-

(i)This petition is allowed on payment of cost of Rs.2,000/- (Rupees Two Thousand only).

(ii)The petitioner shall pay the said amount to the learned counsel appearing for the second respondent, within a period of two weeks from the date of receipt of a copy of this order.

(iii)On showing the proof of compliance, Office is directed to number the appeal if it is otherwise in order and list the appeal for admission in the usual course.

5.Accordingly, this petition is allowed and the delay is condoned.

sd/-
07/06/2022

/ TRUE COPY /

09/06/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

THE PRESIDING OFFICER
LABOUR COURT,
TIRUNELVELI.

COPY TO:-

THE SUB ASSISTANT REGISTRAR
A.E.SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.R.RAJAMOHAN Advocate SR.No.24691 **(F)**

ORDER

IN

CMP (MD) No.2858 of 2022

IN

WA (MD) SR.No.374 of 2022

Date :07/06/2022

SA/VR/SAR.2/09.06.2022/3P/4C