



WEB COPY

CMP(MD) No



in

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2022

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THE HON'BLE MRS JUSTICE J. NISHA BANU

AND

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMP(MD) No.8806 of 2021 in

WA (MD)No.SR14184 of 2019

- 1.The Chairman TANCEM/Additional
Chief Secretary to Government
Industries (MID 2) Department
Secretariat, Fort St. George, Chennai.
 - 2.The Managing Director,
Tamil Nadu Cements Corporation Ltd.,
LLA Building, II Floor
735 Anna Salai, Chennai 2
 - 3.The Deputy General Manager,
Tamil Nadu Cements Corporation Ltd.,
A Government of Tamil Nadu Undertaking
Alangulam Works, Tamilnadu Cements
PO 626, Via Rajapalayam, Virudhunagar .. Petitioners/
Appellants
- Vs.

P.Radhakrishnan .. Respondent/ Respondent

Prayer in CMP No.8806/2021: Petition is filed under Section 5 of the Limitation Act to condone the delay of 18 days in filing the writ appeal against the order dated 08.02.2019 in W.P.(MD) No.2834 of 2019.

Prayer in WA (MD)No.SR14184 of 2019 : Appeal is filed under Clause 15 of Letters Patent against the order dated 08.02.2019 in WP (MD) No.2834 of 2019.

Prayer in WP(MD). 2834 of 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus, directing the 3rd respondent to settle the pay and allowance as requested in the Petitioner's representation dated 17.1.2019 within a time frame fixed by this Honble Court.

For appellants : Mr.A.Sivaji

For respondent : Mrs.Chamundi Bose

**JUDGMENT**

J. NISHA BANU, J.
and
N. ANAND VENKATESH, J.

This petition has been filed to condone the delay of 18 days in filing the writ appeal.

2. We carefully considered the order passed by the learned Single Judge, wherein, only a direction has been issued to the third respondent to consider the representation made by the writ petitioner and hence, we do not find any merits in the main writ appeal itself.

3. In view of the above, this petition is dismissed. Consequently, the Writ Appeal stands rejected at the SR stage itself. No costs.

12.10.2022

This petition having been posted on Wednesday, the Twenty sixth day of October Two Thousand and Twenty Two "FOR CLARIFICATION". In pursuance to the order of this Court dated 12/10/2022 and made herein in the presence of Mr.S.Venkatesh, Advocate for the Petitioners/ Appellants and Mrs.Chamundi Bose, Advocate for the Respondent this Court made the following order.

ORDER

J. NISHA BANU, J.
and
N. ANAND VENKATESH, J.

This Court was pleased to dismiss the Civil Miscellaneous Petition filed to condone the delay of 18 days in filing the W.A. (MD) SR.No.14184 of 2019, through an order, dated 12.10.2022.

2. Pursuant to the above order, the learned counsel for the petitioners / appellants mentioned before us and sought for some clarification. Accordingly, the matter was posted under the caption "for clarification" today.

3. The learned counsel for the appellants submitted that the earlier representation made by the writ petitioner has already been disposed of and concealing the same, the writ petition was filed. The learned counsel further submitted that if in the event of any direction issued in the writ appeal, some time may be fixed to enable the appellants to pass orders on the representation made by the writ petitioner on 17.01.2019.



4. When the writ petition was disposed of by the learned Single Judge, the learned Single Judge did not go into the merits of the case and merely directed the appellants to dispose of the representation made by the writ petitioner on 17.01.2019. Therefore, it will always open to the appellants to assign whatever the reasons that are available while disposing of the representation. This will also include the alleged earlier representation made by the writ petitioner and the rejection of the same. Therefore, no clarity is required insofar as this issue is concerned.

5. The learned Single Judge while disposing of the writ petition, directed the appellants to dispose of the representation of the writ petitioner within a period of eight weeks. Since we are dismissing this petition filed to condone the delay in filing the W.A.(MD) SR.No.14184 of 2019, we direct the appellants to dispose of the representation, dated 17.01.2019 made by the petitioner within a period of six weeks from the date of receipt of a copy of this order. Except giving this clarity, no further orders are required to be passed.

6. The above clarification shall be incorporated in the order and fresh order copy shall be furnished to the counsel appearing on either side.

Sd/-

Assistant Registrar (CS-I)

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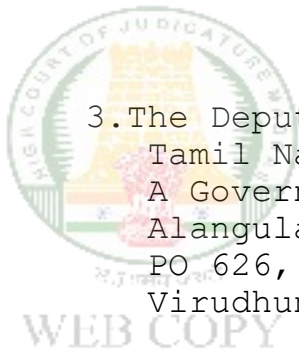
Sub Assistant Registrar(CS)

RR

To

1.The Chairman TANCEM/Additional
Chief Secretary to Government
Industries (MID 2) Department
Secretariat, Fort St. George, Chennai.

2.The Managing Director,
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LLA Building, II Floor
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CMP(MD) No



in

3.The Deputy General Manager,
Tamil Nadu Cements Corporation Ltd.,
A Government of Tamil Nadu Undertaking
Alangulam Works, Tamilnadu Cements
PO 626, Via Rajapalayam
Virudhunagar

+2 CC to M/s.A.SIVAJI, Advocate (SR-51376,49306[F] dated 27/10/2022
)

CMP(MD) No.8806 of 2021 in
WA (MD)No.SR14184 of 2019
12.10.2022

RD(08/11/2022) 4P 6C