



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

Wednesday, the Twenty Eighth day of September Two Thousand and
Twenty Two

PRESENT

The Hon`ble Mr.Justice R.MAHADEVAN
and
The Hon`ble Mr.Justice J.SATHYA NARAYANA PRASAD

C.M.P. (MD) Nos.2685 and 2686 of 2021
in
W.A. (MD) SR Nos.11801 and 11802 of 2021

M.CHANDRAN ... PETITIONER/APELLANT
IN CMP (MD) NO.2685/2021

M.T.HARIHARAN ... PETITIONER/APELLANT
IN CMP (MD) NO.2686/2021

Vs

1. THE STATE OF TAMIL NADU,
REP BY ITS SECRETARY TO GOVERNMENT,
HIGHWAYS AND MINOR PORTS DEPARTMENT,
SECRETARIAT,
CHENNAI-600 009.

2. THE PRINCIPAL DIRECTOR (HIGHWAYS),
O/O.THE PRINCIPAL DIRECTOR (HIGHWAYS),
HIGHWAYS DEPARTMENT, CHEPAUK,
CHENNAI-600 005.

... RESPONDENTS/RESPONDENTS
IN BOTH PETITIONS

3. THE DIVISIONAL ENGINEER,
HIGHWAYS AND RURAL WORKS,
HIGHWAYS DEPARTMENT,
RAMNAD.

... RESPONDENTS/RESPONDENTS
IN CMP (MD) NO.2685/2021

3. THE DIVISIONAL ENGINEER (H) ,
NABARD & RURAL ROADS,
PARAMAKUDI,
RAMANATHAPURAM DISTRICT.

... RESPONDENTS/RESPONDENTS
IN CMP (MD) NO.2686/2021

**PRAYER IN CMP(MD) No.2685/2021 :**

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 1058 days for preferring writ appeal against the order of this Honorable Court passed in W.P(MD).No.5447 of 2013 dated 05-03-2018.

PRAYER IN W.A. (MD) SR No.11801/2021 :

Pleased to set aside the order passed in W.P.(MD) No.5447 of 2013 dated 05.03.2018 on the file of this Honourable High Court and allow the Writ Appeal.

Prayer in WP(MD) . 5447/2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent in connection with the impugned order of rejection of regularisation of service passed in Memo No. 37053/Nirvagam 5(1)/2006 dated 21.10.2011 and quash the same as illegal and arbitrary and consequently direct the 1st and 2nd Respondents to regularise the petitioner s service in the post of Junior Draughting Officer or any other equivalent post from the date of his initial appointment i.e., 01.07.1987 within the time limit that may be stipulated by this Honourable Court.

PRAYER IN CMP(MD) No.2686/2021 :

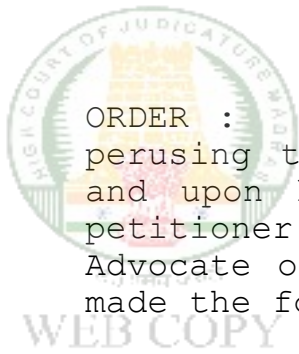
Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 1058 days for preferring writ appeal against the order of this Honorable Court passed in W.P(MD).No.5448 of 2013 dated 05-03-2018.

PRAYER IN W.A. (MD) SR No.11802/2021 :

Pleased to set aside the order passed in W.P.(MD) No.5448 of 2013 dated 05.03.2018 on the file of this Honourable High Court and allow the Writ Appeal.

Prayer in WP(MD) . 5448/2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent in connection with the impugned order of rejection of regularisation of service passed in Memo No. 37053/Nirvagam 5(1)/2006 dated 21.10.2011 and quash the same as illegal and arbitrary and consequently direct the 1st and 2nd Respondents to regularise the petitioner s service in the post of Junior Draughting Officer or any other equivalent post from the date of his initial appointment i.e., 01.07.1988 within the time limit that may be stipulated by this Honourable Court.



ORDER : These petitions coming up for orders on this date, on perusing the petitions and the affidavit filed in support thereof and upon hearing the arguments of M/S.A.MOHAN, Advocate for the petitioner in both petitions and of MR.N.GA.NATARAJ, Government Advocate on behalf of the Respondents in both petitions, the court made the following order:-

These civil miscellaneous petitions are filed to condone the delay of 1058 days in filing the above writ appeals.

2.Heard Mr.A.Mohan, learned counsel appearing for the petitioners and Mr.N.GA.Nataraj, learned Government Advocate appearing for the respondents.

3.Learned Government Advocate appearing for the respondents opposed this petition on the ground that the petitioners/appellants have not given satisfactory explanation for condoning the huge delay of 1058 days and prays for dismissal of these petitions.

4.Though there is a huge delay of 1058 days in filing the Writ Appeals, in order to give an opportunity to the petitioners/appellants to contest the case on merits, this Court is inclined to allow these petitions on payment of costs.

5. Accordingly, these petitions are ordered and the delay of 1058 days in filing the Writ Appeals is condoned on condition that the petitioners in these petitions shall pay a sum of Rs.1,000/- (Rupees One Thousand only) each to the credit of the Hon'ble The Chief Justice's Relief Fund, payable at Madurai Bench of Madras High Court, within a period of two weeks from the date of receipt of a copy of this order, failing which, these petitions shall automatically be dismissed without further reference to Court. On payment of costs as stated above, the Registry is directed to number the writ appeals, if the papers are otherwise in order and list them for hearing in the usual course.

sd/-

28/09/2022

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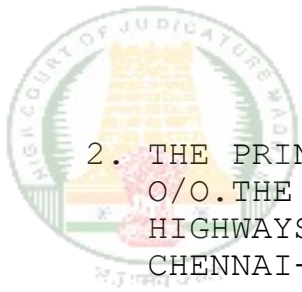
/10/2022

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

TO

1. THE SECRETARY TO GOVERNMENT,
HIGHWAYS AND MINOR PORTS DEPARTMENT,
SECRETARIAT,
CHENNAI-600 009.

<https://www.mhc.tn.gov.in/judis>



2. THE PRINCIPAL DIRECTOR (HIGHWAYS),
O/O.THE PRINCIPAL DIRECTOR (HIGHWAYS),
HIGHWAYS DEPARTMENT, CHEPAUK,
CHENNAI-600 005.

3. THE DIVISIONAL ENGINEER,
HIGHWAYS AND RURAL WORKS,
HIGHWAYS DEPARTMENT,
RAMNAD.

4. THE DIVISIONAL ENGINEER (H) ,
NABARD & RURAL ROADS,
PARAMAKUDI,
RAMANATHAPURAM DISTRICT.

COPY TO :
THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI .

ORDER IN
CMP(MD) Nos.2685 & 2686 of 2021
in
W.A.(MD) SR Nos.11801 and
11802 of 2021
Date :28/09/2022

sj
USK/SBN/SAR-II/30.09.2022/4P/6C