



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

Friday, the Twenty Second day of July 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.3649 of 2022
in
W.A (MD) No.SR.11447 of 2022

1. THE STATE OF TAMIL NADU,
REP BY ITS SECRETARY
DEPARTMENT OF FINANCE (PENSION),
FORT ST. GEORGE,
CHENNAI - 600 009.
 2. THE DIRECTOR OF MEDICAL EDUCATION,
DIRECTORATE OF MEDICAL EDUCATION
162, POONAMALLE HIGH ROAD,
KILPAUK, CHENNAI - 600 010.
 3. THE ADDITIONAL DIRECTOR OF MEDICAL EDUCATION,
DIRECTORATE OF MEDICAL EDUCATION,
162, POONAMALLE HIGH ROAD,
KILPAUK CHENNAI - 600 010.
 4. THE DEAN,
THE GOVERNMENT MOHAN KUMARAMANGALAM MEDICAL COLLEGE AND HOSPITAL,
SALEM, SALEM DISTRICT.
 5. THE DEAN,
THE KANYAKUMARI GOVERNMENT MEDICAL HOSPITAL,
ASARIPALLAM,
KANYAKUMARI DISTRICT.
- ... PETITIONERS/APPELLANTS

Vs

1. JAMES BEAULA
2. THE ACCOUNTANT GENERAL,
OFFICE OF THE ACCOUNTANT GENERAL,
CHENNAI, TAMIL NADU,
261, ANNA SALAI,
CHENNAI - 600018.

... 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 402 days in filing the above Writ appeal against the order dated 09.01.2019 made in W.P.(MD) No.7284 of 2015.

PRAYER IN W.A(MD)No.SR.11447 of 2022 :

Pleased to set aside the Common Order dated 09.01.2019 in W.P.(MD) No.7284 of 2015 allow the Writ Appeal.

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 MR.A.KANNAN, Additional Government Pleader for the petitioners and of MR.P.GUNASEKARAN, ACGSC on behalf of the 2nd Respondent and MR.S.XAVIER RAJINI, Advocate for the 1st Respondent, the court made the following order:-

[Order of the Court made by S.S.SUNDAR, J.]

This petition is filed to condone the delay of 402 days in filing the above appeal.

2.Heard Mr.A.Kannan, learned Additional Government Pleader appearing for the petitioners, Mr.S.Xavier Rajini, learned Counsel, who takes notice for the first respondent, Mr.P.Gunasekaran, learned Additional Central Government Standing Counsel, who takes notice on behalf of the second respondent.

3.This Court is convinced with the reasons stated in the affidavit filed in support of this petition. However, the learned Counsel for the first respondent has raised serious objections mainly on the ground of equity and the inconvenience caused to the respondents because of the long delay. However, this Court taking lenient view of the matter, is inclined to allow this petition on terms. Accordingly, this petition is allowed and the delay is condoned on condition that the petitioners pay a sum of Rs.1,000/- to the Legal Services Authority attached to this Bench within a period of two weeks from the date of receipt of a copy of this order, failing which, this petition shall stand automatically dismissed without further reference to Court. Registry is directed to number the above appeal, if the papers are otherwise in order and upon showing the proof for payment.

sd/-
22/07/2022

/ TRUE COPY /

/07/2022

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



TO

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5. THE DEAN,
THE KANYAKUMARI GOVERNMENT MEDICAL HOSPITAL,
ASARIPALLAM,
KANYAKUMARI DISTRICT.

COPY TO :

1. THE OFFICER INCHARGE,
HIGH COURT LEGAL SERVICES AUTHORITY,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. **(SOFT COPY)**
2. THE SUB-ASSISTANT REGISTRAR,
A.E. SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CMP(MD) No.3649 of 2022 in
W.A(MD)No.SR.11447 of 2022
Date :22/07/2022

cmr

USK/JM/SAR-III/26.07.2022/3P/7C