

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

Friday, the Thirtieth 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

CMP(MD) No.6698 of 2022
IN
WA(MD).SR.No.43557 of 2022

THE MANAGEMENT
TAMILNADU STATE TRANSPORT CORPORATION,
(MADURAI DIVISION -II) LIMITED.,
TIRUNELVELI REGION,
VANNARAPETTAI,
TIRUNELVELI - 627 003.

... PETITIONER/APPELLANT

Vs

1 A.KRISHNAN

2 THE LABOUR COURT
TIRUNELVELI,

REP.BY THE PRESIDING OFFICER.

... 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 1050 days in filing the writ appeal (MD) S.R.No.43557 of 2022.

Prayer in WA(MD)SR.No.43557 of 2022 :

To set aside the order of the Hon'ble Single Judge dated 24.08.2017 in WP(MD).No.5041 of 2009 by allowing this Writ Appeal.

Prayer in WP(MD). 5041/ 2009 :

To issue a writ of certiorari calling for the records pertaining to the impugned Award dated 29.10.2007 passed by the 2nd respondent in I.D.No.150 of 2000 and 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.RAJAMOHAN, Advocate for the petitioner and of MR.K.PRABHAKARAN, Advocate on behalf of the 1st Respondent, the court made the following order:-

The civil miscellaneous petition is filed to condone the delay of 1050 days in filing the above writ appeal.

2.Heard Mr.R.Rajamohan, learned counsel appearing for the petitioner and Mr.K.Prabhakaran, learned counsel appearing for the first respondent.

3.Learned counsel for the respondent opposed this petition on the ground that the petitioner/appellant has not given satisfactory explanation for condoning the huge delay of 1050 days and prays for dismissal of this petition.

4.Though administrative reason has been cited to condone such a huge delay of 1050 days, in order to give opportunity to the petitioner/appellant to contest the case on merits, this Court is inclined to allow the petition on payment of costs. Accordingly, this petition is ordered and the delay of 1050 days in filing the Writ Appeal is condoned on condition that the petitioner shall pay a sum of Rs.1,000/- (Rupees One Thousand only) 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, this petition shall automatically be dismissed without further reference to Court. On payment of costs as stated above, the Registry is directed to number the writ appeal, if the papers are otherwise in order and list it for hearing in the usual course.

sd/-

30/09/2022

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/10/2022

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

TO

THE PRESIDING OFFICER,
LABOUR COURT
TIRUNELVELI.

COPY TO

- 1 THE SECTION OFFICER, JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 2 THE SECTION OFFICER, ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CMP(MD) No.6698 of 2022
IN WA(MD).SR.No.43557 of 2022
Date :30/09/2022

pkn
RS/SBN/SAR.2(12.10.2022) 2P-4C