



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

Tuesday, the Sixth day of December Two Thousand and Twenty Two

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
and
The Hon`ble Mr.Justice SUNDER MOHAN

CMP(MD) No.11730 of 2022
IN
WA(MD) SR.No.70511 of 2022

1 THE CHIEF ENGINEER / PERSONNEL,
TAMIL NADU GENERATION AND DISTRIBUTION CORPORATION LIMITED,
(TANGEDCO),
144, ANNA SALAI,
CHENNAI - 2.

2 THE SENIOR PERSONNEL OFFICER/RECRUITMENT,
O/O.THE CHIEF ENGINEER,
TAMIL NADU GENERATION AND DISTRIBUTION CORPORATION LIMITED,
(TANGEDCO),
144, ANNA SALAI,
CHENNAI - 2.

... PETITIONERS/APELLANTS

Vs

A.PONNAR

... RESPONDENTS/RESPONDENTS

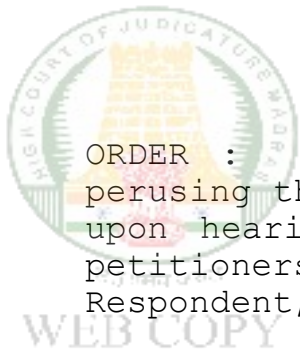
Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 170 days in filing the above writ appeal against the order dated 25-04-2022 made in W.P.(MD).No.7110 of 2017.

Prayer in WA(MD).SR.No.70511/2022 :

To set aside the order dated 25.04.2022 made in WP(MD). 7110/2017 and allow this writ appeal in the interest of justice.

Prayer in WP(MD). 7110/ 2017 :

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 pertaining to the selection list of the 1st respondent and quash the same and direct the 1st respondent to fix the correct cut off marks for each category and re-do the selection as per rule 22 of the general rules.



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.S.ARIVALAGAN, Advocate for the petitioners and of MR.J.ANANDKUMAR, Advocate on behalf of the 1st Respondent, the court made the following order:-

This writ appeal is filed, being aggrieved by the order passed by the learned Single Judge in W.P(MD)No.7110 of 2017, date 25.04.2022. The appeal is not filed in time but, there is a delay of 170 days. Hence, C.M.P(MD)No.11730 of 2022 is filed to condone the delay.

2.On perusing the affidavit filed along with the petition to condone the delay, this Court finds that there is no genuine reason for the delay, except the vague reason that the delay caused due to the administrative procedure.

3.The learned counsel appearing for the first respondent/writ petitioner submitted that the appellants have deliberately omitted to comply with the order passed by the learned Single Judge and after filing the contempt petition, this appeal is filed with an unexplained enormous delay of 170 days. If the delay is condoned, the rights of the first respondent/writ petitioner will be deprived.

4.The learned counsel for the first respondent submitted that pursuant to the notification issued by TANGEDCO, on 28.05.2015, the writ petitioner participated in the written examination conducted on 31.01.2016 and got short listed for viva-voce. Thereafter, in the selection list published by the appellants, his name was not included, due to the error in fixing the correct cut off marks for each category.

5.This Court, on considering the serious objections raised by the learned counsel appearing for the first respondent/writ petitioner and the vague reason given for condoning the delay, finds that the delay of 170 days in preferring the aforesaid writ appeal is not being sufficiently explained and no reasonable cause is made out, except the administrative procedure, which cannot be a ground for condoning such enormous delay of 170 days. Hence, this Petition is dismissed.

sd/-

06/12/2022

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/12/2022

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



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TO

+1. C.C. to M/S.J.ANANDKUMAR, Advocate SR.No.60233[F]

ORDER

IN

CMP (MD) No.11730 of 2022

IN

WA (MD) SR.No.70511 of 2022

Date :06/12/2022

NS

RS/VR/SAR.1 (15.12.2022) 3P-2C