



C.M.P. No. 17450 of 2022
and
W.A.SR.No. 93659 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.01.2023

Coram :

The Honourable Mr.Justice R.MAHADEVAN
and
The Honourable Mr.Justice J.SATHYA NARAYANA PRASAD

C.M.P. No. 17450 of 2022
and
W.A. (SR) No. 93659 of 2022

1. The Government of Tamil Nadu
Rep. by its Secretary
Transport Department
Fort St. George, Secretariat
Chennai – 600 009.
2. The Managing Director
Tamil Nadu State Transport Corporation
Coimbatore Head Office
Coimbatore.
3. The General Manager
Tamil Nadu State Transport Corporation
Coimbatore Region
Coimbatore.
4. The General Manager
Tamil Nadu State Transport Corporation
Erode Region
Erode.

...Petitioners / Appellants



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Versus

1. G.Palanisami

2. R.Kanagaraj

3. R.Paul Vincent

4. M.Selvakumar

5. S.Charles

6. K.Mekalai

...Respondents /Respondents

C.M.P. No. 17450 of 2022 in W.A. (SR) No. 93659 of 2022:-

This Civil Miscellaneous Petition is filed under Section 5 of the Limitation Act praying for condoning the delay of 1063 days in filing the Appeal against the order dated 19.08.2019 passed by the learned Single Judge in W.P. No. 15346 of 2019.

W.A. (SR) No. 93659 of 2022:-

This Writ Appeal is filed under Clause 15 of Letters Patent praying to allow the writ appeal and set aside the order dated 19.08.2019 passed by the Hon'ble Court in W.P. No. 15346 of 2019.

For Petitioners / : Mr. M.Murali Vinodh
Appellants

For Respondents /
Respondents : Mr. M.Vijaya Kumar (For R1 to R6)



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ORDER

(Order of the Court was made by R.Mahadevan, J.)

Heard both sides and perused the materials available on record.

2.Originally, the respondents herein preferred writ petition No.15346 of 2019 for issuance of a writ of Mandamus, directing the respondents to promote them to the post of Junior Engineers in the available vacancies of the appellants' corporation on par with their juniors w.e.f. 25.04.2017 with all service and monetary benefits within the time limit fixed by this Court. By order dated 19.08.2019, the learned Judge has allowed the writ petition in the following terms:

“15. In the said circumstances, this writ petition is allowed. The respondents are directed to promote the petitioners as Junior Engineers with effect from 25.04.2017 on par with their juniors if they are otherwise eligible for promotion and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order with all monetary and other attendant benefits. No costs. Consequently, connected miscellaneous petitions are closed.”

Aggrieved by the aforesaid order, the appellants have preferred this writ appeal.



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3.It is seen from the communication of the second appellant dated 07.02.2020 enclosed at page 81 of the typed set that pursuant to the order passed by the learned Judge, the files pertaining to the respondents have been placed before the promotion committee and it was concluded that appropriate action would be initiated on the claim of the respondents seeking promotion to the post of Junior Engineers, as and when vacancy arises. While so, the appellants have preferred this writ appeal with a delay of 1063 days, which cannot be countenanced. Therefore, this court is not inclined to condone the delay in filing the appeal, but grants four weeks time to comply with the order of the learned Judge.

4.With the above direction, the delay petition is dismissed.
Consequently, the appeal is rejected at SR stage.

[R.M.D.,J.] [J.S.P.N., J.]
03.01.2023

Maya
To

1. The Government of Tamil Nadu
Rep. by its Secretary
Transport Department



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