



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

Wednesday, the Twenty Fifth day of January Two Thousand and
Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice D.KRISHNAKUMAR
and
The Hon`ble Mr.Justice R.VIJAYAKUMAR

C.M.P. (MD) No.2749 of 2021
in
WA (MD) SR.No.15593 of 2021

THE COMMISSIONER,
MADURAI MUNICIPAL CORPORATION,
MADURAI.

... PETITIONER/APPELLANT

Vs

1 P.SOLAMALAI

2 THE SECRETARY TO THE GOVERNMENT,,
MUNICIPAL ADMINISTRATION AND WATER SUPPLY DEPARTMENT,
FORT ST.GEORGE, CHENNAI-600 009.

3 THE COMMISSIONER,
MUNICIPAL ADMINISTRATION,
75, SANTHOM HIGH ROAD,
R.A.PURAM,M.R.C.NAGAR,
CHENNAI-600 028.

... RESPONDENTS/RESPONDENTS

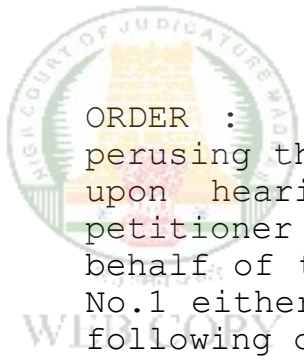
Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 475 days in filing writ appeal as against the W.P(MD).No.11931 of 2019 and thus render justice.

PRAYER IN WA(MD)SR.No.15593 of 2021:

To set aside the order dated 24.10.2019 passed in WP(MD) No.11931 of 2019 on the file of this Hon'ble Court.

Prayer in WP(MD). 11931/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents herein to re-designate the petitioner as Assistant Engineer from December 2009 on the basis of G.O.Ms.221, dated 27.8.1992 and consequently promote the petitioner as Assistant Executive Engineer with all attendant benefits and back wages, within the time stipulated by this Hon'ble Court.



ORDER : This petition coming up for orders on this day, on perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.R.MURALI, Advocate for the petitioner and of M/S.SARANGAN, Additional Government Pleader on behalf of the Respondents 1 & 3 and not appeared for the respondent No.1 either in person or through by an advocate, the court made the following order:-

(Order of the Court was made by D.KRISHNAKUMAR, J.)

This petition is filed to condone the delay of 475 days in filing the W.A.SR.(MD)No.15593 of 2021.

2. Though notice has been served on the first respondent, there is no representation for the first respondent. Mr.M.Sarangan, learned Additional Government Pleader appearing for the respondents 2 and 3 has no objection for allowing this petition.

3. Though the reasons stated in the affidavit filed in support of this petition are not satisfactory, considering the issues involved in this Writ Appeal, we are inclined to allow this application, subject to payment of costs of Rs.5,000/- to the Advocate Clerks Welfare Association, Madurai Bench of Madras High Court, Madurai.

4. Accordingly, the delay is condoned and this application is allowed, subject to the condition that the petitioner / appellant is directed to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the Advocate Clerks Welfare Association, Madurai Bench of Madras High Court, Madurai within a period of one week from today.

5. After receipt of the aforesaid payment, the Registry is directed to number the Writ Appeal, if it is otherwise in order and post the same 'for admission' in the usual course.

sd/-
25/01/2023

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/01/2023

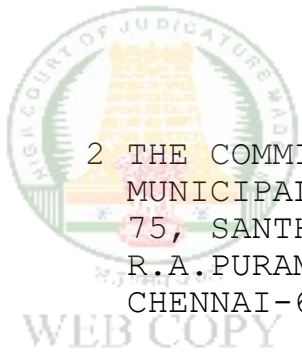
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsm

TO

1 THE SECRETARY TO THE GOVERNMENT,,
MUNICIPAL ADMINISTRATION AND WATER SUPPLY DEPARTMENT,
FORT ST.GEORGE, CHENNAI-600 009.

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



2 THE COMMISSIONER,
MUNICIPAL ADMINISTRATION,
75, SANTHOM HIGH ROAD,
R.A.PURAM,M.R.C.NAGAR,
CHENNAI-600 028.

3 THE COMMISSIONER,
MADURAI MUNICIPAL CORPORATION,
MADURAI.

COPY TO

1.THE OFFICER IN CHARGE,
ADVOCATE CLERKS WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

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

ORDER

IN

C.M.P. (MD) No.2749 of 2021
in

WA (MD) SR.No.15593 of 2021

Date :25/01/2023

RK/SSS/SAR-1 (30/01/2023) 3P/6C