



CMP(MD) No.3723 of 2022

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

Monday, the Twenty Fourth day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR
and

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CMP(MD) No.3723 of 2022
in
WA(MD) SR No.45461 of 2021

R.BHUVANESWARI

... Petitioner / Appellant

Vs

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

2 THE DISTRICT COLLECTOR
TIRUCHIRAPPALLI

3 THE DIRECTOR OF TOWN PANCHAYAT,
CHENNAI - 600 108.

4 THE COMMISSIONER
TIRUCHIRAPPALLI CITY MUNICIPAL CORPORATION
TIRUCHIRAPPALLI

... Respondents / Respondents

Civil Miscellaneous 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 1934 days in filing the above Writ Appeal.

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CMP(MD) No.3723 of 2022

Prayer in WA(MD) SR No.45461 of 2021:

To set aside the order dated 21.11.2016 in WP(MD) No.6992 of 2008.

Prayer in WP(MD). 6992/ 2008 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, calling for the records relating to the orders in (1) Pro.Rc.No.TP2/1320/2007 dated 23.8.2007 of the second respondent (2) Na.Ka.No.19295/2005/C1 (Maiyam) dated 6.8.2007 of the fourth Respondent and (3) Letter No. 29378/Ma.Na.5/2007-2, municipal Administration and Water supply Department, dated 24.3.2008 of the 1st respondent and to quash the same and to issue consequential directions to the Respondents to reinstate the petitioner in service and then regularise her services in the post of Clerk / Junior Assistant from the date of her initial appointment and to absorb her in a regular post in the Tiruchirapalli City Municipal Corporation and to grant consequential service and monetary benefits.

ORDER : This civil miscellaneous 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 M.AJMAL KHAN, Advocate for the petitioner and of Mr.J.K.JEYASEELAN, Government Advocate on behalf of the Respondents No.1 to 3 and of Mr.R.BASKARAN, Senior Counsel for M/s.R.B.LAW Associates for the Respondent No.4, 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 1934 days in filing the above writ appeal.

2. Heard the learned counsel for the petitioner, Mr.J.K.Jeyaseelan, learned Government Advocate for respondents 1 to 3 and Mr.R.Baskaran, learned Senior Counsel for M/s.R.B.Law Associates, for fourth respondent.

3. The petitioner admitted that she received a copy of the order passed in the



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writ petition on 21.11.2016. However, after a period of five years, an appeal is filed with normal explanation that the petitioner suffered a minor injury on her hip as she fell down in her house. Though the petitioner states that she could not travel as she was taking medicine and was taking complete bed rest, she admitted that she celebrated the marriage of her son in the meanwhile. Therefore, it is seen the petitioner who found time to celebrate the marriage of her son, was not ready to give importance to the Court proceedings and therefore, she is entitled to seek indulgence from this Court.

4. Further, the petitioner has not shown sufficient cause for the delay of nearly five years. Therefore, in the absence of any proper and satisfactory reasons, this Court cannot condone the huge delay of 1934 of days in filing the appeal. Hence, this Civil Miscellaneous Petition is dismissed for devoid of merits.

sd/-
24/07/2023

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/08/2023

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

PM

To

1 THE SECRETARY TO GOVERNMENT,
GOVERNMENT OF TAMILNADU

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TIRUCHIRAPPALLI

ORDER
IN
CMP(MD) No.3723 of 2022
in
WA(MD) SR No.45461 of 2021
Date :24/07/2023

ED/DD/SAR- (02/08/2023) 4P / 5 C

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