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CMP.No.10293/2024 in WA.SR.7764 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2024

CORAM

THE HONOURABLE MRS. JUSTICE J. NISHA BANU

&

THE HONOURABLE MR.JUSTICE P.DHANABAL

C.M.P.No.10293 of 2024

in

WA.SR.No.7764 of 2024

B. Ravi

...

Petitioner

Vs.

Harisons,
Prop ASE Hotel (P) Ltd.,
New No.12, Old No.315,
Valluvarkottam High Road,
Nungambakkam, Chennai 600 031

...

Respondent

PRAYER in CMP.No.10293 of 2024: Civil Miscellaneous Petition filed under section 5 of Limitation Act praying to condone the delay of 161 days in filing the Writ Appeal against the order dated 15.06.2023 in W.P.No.8783 of 2013 on the file of this Court.

Prayer in W.A.SR.7764 of 2024: Writ Appeal filed under clause 15 of the

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Letters Patent praying to set aside the order passed in W.P.No.8783 of 2013, dated 15.06.2023.

For Appellant : Mr. Pari Gopal

For Respondents : Mr. M.R. Dharani Chander

ORDER

This Civil Miscellaneous Petition is filed to condone the delay of 161 days in filing the WA.SR.7764 of 2024 against the order dated 15.06.2023 in W.P.No.8783 of 2023.

2. Heard the learned counsel appearing for the petitioner/appellant as well as the learned counsel appearing for the respondent/Management and perused the reasons stated in the accompanying affidavit filed in support of this petition.

3. The petitioner/appellant has preferred the Writ Appeal challenging the order passed in W.P.No. 8783 of 2013, in and by which, the learned



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Single Judge partly allowed the relief sought by the petitioner/ appellant seeking a direction to the respondent/Management to reinstate him in service w.e.f. 08.05.2008 with all attended benefits eligible to him. The operative portion of the impugned order is extracted hereunder;

'8. Considering the overall circumstances including the fact that the petitioner was out of employment since 2008 and he was drawing a salary of Rs.4612/- per month, I feel justice would be served if the amount of compensation is enhanced from Rs.5,00,000/- to Rs.9,00,000/- (Rupees Nine Lakhs only). In all other respects, the writ petition stands dismissed.

9. In the light of the above, the writ petition is partly allowed. The compensation is enhanced to Rs.900,000/-, which shall be settled within a period of twelve (12) weeks from today. No costs.'

4. Last occasion, when the matter came up before this Court for admission, in order to give a quietus to the issue, We suggested to the learned counsel for the respondent/Management to come with a Demand Draft for Rs.9 lakhs in favour of the petitioner/appellant and accordingly, the



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respondent has also produced the Demand Draft for Rs.9 lakhs before this Court today. However, the learned counsel for the appellant, on instructions, submitted that the appellant is not inclined to accept the same and want to contest the case.

5. It is seen that the appeal is filed with a huge delay of 167 days and this court is not satisfied with the reasons stated by the petitioner/appellant to condone the delay of 167 days in preferring the appeal.

6. In view of the above, Civil Miscellaneous Petition is dismissed. Consequently, the Writ Appeal is rejected at the SR stage itself. No costs.

[J.N.B.,J.] [P.D.B.,J.]
24.06.2024

Index: yes/no
Internet:yes/no
msr



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J. NISHA BANU, J. &

P. DHANABAL, J.

msr

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in
WA.SR.No.7764 of 2024

24.06.2024