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W.M.P.No.19865 of 2022 in Rev.Sr.No.79986 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.M.P.No.19865 of 2022
in Rev.Sr.No.79986 of 2022

Dr.Paranjothi

... Petitioner

Vs.

1.Union of India,
Rep.by Government of Puducherry,
Rep.by Secretary (Health & Welfare Department),
Puducherry.

2.The Director of Health and Family Services,
Government of Puducherry,
Puducherry.

3.Central Administrative Tribunal,
Chennai Beach, Rep.by the Registrar,
High Court Campus, Chennai.

... Respondents

Prayer: Writ Miscellaneous Petition filed under Section 5 of the Limitation Act,
to condone the delay of 1375 days in filing the above review.

For Petitioner : Mr.Venkatasamy Babu
for Mr.D.Baskar

For Respondents : Mr.Syed Mustafa
Government Advocate, Puducherry.



W.M.P.No.19865 of 2022 in Rev.Sr.No.79986 of 2022

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

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The review petition has been instituted to review the order of this Court dated 10.11.2016, passed in W.P.No.9415 of 2014. Since there was a delay of 1375 days in filing the review petition, the present writ miscellaneous petition has been instituted to condone the delay of 1375 days in filing the review petition.

2. The reasons stated by the petitioner are that the order passed by this Court was not uploaded in the official website and therefore, there was a delay in submitting the copy application and thus, the petitioner cannot be held responsible for the delay in filing the review petition.

3. In order to find out whether the order was uploaded immediately and served to the official respondents or not, we have requested the learned Government Pleader, Puducherry, to produce the original copy of the order received by the department. The learned Government Pleader, Puducherry, produced the original copy of the order passed in W.P.No.9415 of 2014, dated 10.11.2016. As per the seal affixed in the original order, the office of the Secretary, Art and Culture, Science and Technology and Environmental



W.M.P.No.19865 of 2022 in Rev.Sr.No.79986 of 2022

department received the copy of the order on 02.02.2017. When the respondents had received the original copy of the order on 02.02.2017 from the High Court, the very reason stated by the petitioner that the copy of the order was not uploaded in the High Court website is incorrect and therefore, cannot be considered. The order dated 10.11.2016 was uploaded by the High Court on 25.11.2016, which was communicated to the petitioner by way of a reply to RTI application.

4.Unconardonable delay cannot be condoned in a routine manner. Law of limitation is substantive. All petitions are to be filed within the time limit and as per the procedures contemplated. Condonation of delay is an exception. Courts while exercising the power of discretion has to consider the genuinity of the reasons furnished by the petitioner seeking condonation of delay. Mechanical approach in condoning the enormous delay is not desirable since it will cause prejudice to the interest of the other parties to the litigation. Ordinarily, meager delay will be condoned by taking a lenient view by the Courts, however, enormous delay cannot be condoned in a mechanical manner unless the reasons stated are found to be genuine and relevant documents are filed to establish the genuinity of the reasons.



W.M.P.No.19865 of 2022 in Rev.Sr.No.79986 of 2022

5.In the present case, the reasons stated that the order copy was not uploaded is found to be incorrect and the official respondents had received the copy of the order on 02.02.2017 itself. That being the case, the delay in the present case is uncondonable.

6.Accordingly, the Writ Miscellaneous Petition stands dismissed.
Consequently, Rev.Sr.No.79986 of 2022 is rejected.

[S.M.S., J.]

[M.J.R., J.]

06.12.2024

Index: Yes/No
Speaking/Non-speaking order
sli



W.M.P.No.19865 of 2022 in Rev.Sr.No.79986 of 2022

To
WEB COPY

- 1.Union of India,
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Rep.by Secretary (Health & Welfare Department),
Puducherry.
- 2.The Director of Health and Family Services,
Government of Puducherry, Puducherry.
- 3.Central Administrative Tribunal,
Chennai Beach, Rep.by the Registrar,
High Court Campus, Chennai.
- 4.The Public Prosecutor,
Puducherry.



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W.M.P.No.19865 of 2022 in Rev.Sr.No.79986 of 2022

S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

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W.M.P.No.19865 of 2022
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