



C.M.P.No.20287 of 2023
in
REV.APPL.SR.No.103038 of 2023
and
CONT.P.No.1481 of 2023

S.M.SUBRAMANIAM, J.
and
C.KUMARAPPAN, J.

[Order of the Court was made by **S.M.SUBRAMANIAM, J.**]

The miscellaneous petition has been filed to condone delay of 483 days in filing Review Application against the order dated 28.09.2021 passed in W.A.No.36 of 2020.

2. We found there is an error in calculating the delay both by the petitioners and by Registry of Madras High Court. The Division Bench of this Court passed final orders in W.A.No.36 of 2023 on 28.09.2021. Thereafter, the final order passed in writ appeal was clarified by the Division Bench by deleting paragraph 7 in the original writ appeal order and by substituting the said paragraph in order dated 09.02.2023. The substituted paragraph 7 as per the order dated 09.02.2023 reads as under:

*“In the result, this Writ Appeal is allowed.
The order of the Learned Single Judge, dated*



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04.09.2019 is set aside. The respondents are directed to grant the benefits to the appellant/writ petitioner, by fixing her seniority above S.Jayavel, fifth respondent, and below komala, within a period of one month from the date of receipt of a copy of this order. No costs. Consequently the connected C.M.P. is closed.”

3. Taking note of clarificatory order, which was passed on 09.02.2023, the delay is to be calculated. The review application has been filed by the petitioners on 29.08.2023. Accordingly, the delay is to be calculated as 170 days. The time limit of 30 days granted for filing is also deducted. Thus, for the purpose of condoning the delay, it is to be construed that the delay in filing in review application is 170 days.

4. The learned Additional Advocate General appearing on behalf of the 'State' would submit that there was an inter departmental discussions and therefore, there was a delay in taking a decision to prefer an appeal. Since the delay is 170 days and the reasons submitted by the learned Additional Advocate General would be sufficient.

5. Hence, we are inclined to consider the miscellaneous petition and



accordingly, the delay of 170 days in filing the review application stands
condoned.

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6. The Registry is directed to number the review application, if the papers are otherwise in order.

7. Post this matter along with the contempt petition in
CONT.P.No.1481 of 2023.

[S.M.S., J.] [C.K., J.]
26.06.2024

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