



W.A.SR.No.155819 of 2023
and CM.P.No.8755 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MR. JUSTICE P.DHANABAL**

**W.A.SR.No.155819 of 2023
and
CM.P.No.8755 of 2024**

R.Kumar
S/o Late Rangasamy Mudaliar ... Appellant/Petitioner

Vs.

The Special Officer,
NADT Adi Dravidar Welfare School Teachers
Co-operative Thrift & Credit Society Ltd.,
No.43, Bharathiyar Street,
Fort Round,
Vellore - 632 001 ... Respondent/Respondent

C.M.P.No.8755 of 2024

This petition has been filed under Section 5 of the Limitation Act,
1963, to condone the delay of 609 days in filing the writ appeal

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Writ Appeal filed under Clause 15 of the Letters Patent against the
order passed by the learned single Judge of this Court in W.P.No.2790 of



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2020 dated 04.11.2020

For Appellant/Petitioner : Mr.R.Krishnasamy

For Respondent/Respondent : Mr.P.S.Sivashanmugasundaram

ORDER

(The order of the Court was made by J.Nisha Banu,J.)

The Civil Miscellaneous Petition petition has been filed to condone the delay of 609 days in filing the Writ Appeal.

2. Heard the learned counsel for the appellant/petitioner.

3. The appellant was an employee of the respondent Management.

Disciplinary proceedings had been initiated and he was removed from service. Challenging the termination order, he raised industrial dispute in I.D.No.4 of 1997 before the Labour Court and an award was passed on 11.06.2004, setting aside the termination order and directed the Management to reinstate the petitioner/appellant herein with continuity of service and also backwages. Aggrieved over the said order, the Management filed writ petition in W.P.No.28457 of 2004 and the Writ Court confirmed the order passed in I.D.No.4 of 1997. Challenging the same, the Management preferred writ appeal in W.A.No.42 of 2010 and



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the Division Bench of this Court, confirmed the order passed in writ petition, however, modified only in respect of backwages to the effect of 50% backwages to the petitioner/appellant herein. Subsequently, the appellant herein filed computation petition in C.P.No.14 of 2011 wherein the Labour court, by order dated 13.09.2012, by taking into account, the calculation filed by both sides with regard to 50% backwages, passed an order directing the Management to pay 50% of total backwages which was quantified as Rs.8,70,450/- and after deducting the amount of Rs.4,66,129/- already paid to the appellant, directed the management to pay Rs.3,17,277/- within three months. Challenging the same, the appellant filed writ petition in W.P.No.2790 of 2020 but the same was dismissed by the Writ Court.

4. We have perused the order passed in the above said writ petition. The learned Judge, considering the matter elaborately as to dispute raised with regard to the calculation made, has dismissed the writ petition confirming the order passed by the Labour Court. Therefore, we are not inclined to interfere with the order passed in the writ petition.

5. There is enormous delay in filing the appeal. We are also not satisfied with the reasons stated in the affidavit for condoning the delay



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in filing the appeal. Therefore, we are not inclined to condone the delay and even on merits, we are not inclined to entertain the writ appeal. Hence, the condone delay petition stands dismissed. Consequently, the Writ Appeal is rejected at the SR stage itself. No costs.

(J.N.B,J.) (P.D.B., J.)
10.07.2024

Index : Yes / No
vsi

To

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J. NISHA BANU, J.
and
P.DHANABAL, J.



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