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C.M.P.No.3812 of 2024
in W.A.SR.No.34422 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

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in
W.A.SR.No.34422 of 2023

1.The Secretary to Government,
Finance (Pension) Department,
Fort St. George, Chennai – 600 009.

2.Director of Administration,
Tamil Nadu STC Express Corporation,
No.2, Pallavan Salai, Chennai – 2.

3.Branch Manager,
Tamil Nadu State Tiruvallur Transport Corporation,
Kanniyakumari Depot, Kanniyakumari (District)

4.Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Nagercoil Zonal, Rani Thootam,
Nesamaninagar, Nagercoil – 629 001.

... Petitioners

Vs.

1.S.Arunachalam



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2.The Accountant General of Tamil Nadu,
Accounts and Entitlement,
Teynampet, Chennai.

... Respondents

Prayer in C.M.P.No.3812 of 2024 : Civil Miscellaneous Petition filed under Section 5 of the Limitation Act to condone the delay of 538 days in filing W.A.SR.No.34422 of 2023 against order dated 01.06.2022 made in W.P.No.7975 of 2015.

Prayer in W.A.SR.No.34422 of 2023 : Writ Appeal filed under Clause 15 of Letters Patent against the order dated 01.06.2022 made in W.P.No.7975 of 2015 on the file of this Court.

For 1st Petitioner : Mr.J.Ravindran
Additional Advocate General
assisted by Mr.A.Selvendran
Special Government Pleader

For Petitioners 2 to 4 : Mr.S.Silambanan
Senior Counsel
for Mr.S.Yashram
Additional Government Pleader



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ORDER

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

This Civil Miscellaneous Petition is filed to condone the delay of 538 days in filing the above Writ Appeal.

2.This Court earlier directed the petitioners/appellants to file an additional affidavit explaining the delay in detail. An additional affidavit containing the reasons for the delay is filed. Even though a lengthy counter affidavit is filed by the 1st respondent, it is seen that the counter affidavit is not in response to the reasons stated in the additional affidavit filed by the petitioners/appellants, but pointing out the merits of the case. Even though the delay is inordinate, this Court finds from the affidavit filed in support of the petition, reasons which cannot be discarded. Hence, taking a lenient view, **the delay is condoned and this petition is ordered.**

3.Considering the submission made by the learned Additional



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Advocate General appearing for the 1st petitioner that a Contempt Petition has been filed alleging wilful disobedience of the order of the learned Single Judge which is impugned in the above unnumbered Writ Appeal, Registry is directed to number the Writ Appeal, if the papers are otherwise in order, and post the same for admission on 22.10.2024.

(S.S.S.R., J.) (A.D.M.C., J.)
21.10.2024

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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No



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