



CMP(MD) No.10226 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Eleventh day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice D.KRISHNAKUMAR
and
The Hon`ble Mr.Justice R.VIJAYAKUMAR

CMP(MD) No.10226 of 2023
IN
WA(MD)SR.No.57419 of 2023

1 THE MELAGARAM TOWN PANCHAYAT
REP. THROUGH ITS EXECUTIEVE OFFICER,
TOWN PANCHAYAT OFFICE, MELEGARAM
COURTALLAM P.O.
TENKASI TALUK,
TIRUNELVELI DISTRICT.

2 THE DIRECTOR OF TOWNPANCHAYAT,
DIRECTORATE OF TOWN PANCHAYATS
AT EZHILAGAM,
CHENNAI.

... PETITIONERS/ APPELLANTS

Vs

GANESAN

... RESPONDENT/RESPONDENT

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 489 days in filing this Writ Appeal against the order made in W.P.(MD). No.18740 of 2017 dated 15.03.2019.



CMP(MD) No.10226 of 2023

PRAYER IN WA(MD)SR.No.57419/2023:

Pleaded to set aside the order dated 15.03.2019 made in WP(MD)No.18740 of 2017 by allowing appeal.

Prayer in WP(MD). 18740/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the Respondent to Regularise and grant Time Scale of Pay and Service and Monetary Benefits to the Petitioner on and from 22.11.1999 along with all the attendant and differential Service and Pay Benefits and Arrears to the Petitioner.

ORDER : This Civil Miscellaneous Petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.S.P.MAHARAJAN, Special Government Pleader on behalf of the Petitioners and of Mr.S.RAMSUNDARVIJAYARAJ , Advocate on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by D.KRISHNAKUMAR, J.)

This petition is filed to condone the delay of 489 days in filing W.A(MD) SR.No.57419 of 2023.

2. Heard Mr.S.P.Maharajan, learned Special Government Pleader for the petitioners and Mr.S.Ramsundarvijayaraj, learned counsel for the respondent.

3. We have gone through the reasons stated in the affidavit filed in support of this petition stating that the petitioners have collected all the details and forwarded the proposal to the Government and in the meantime, due to the Covid-19 pandemic lock down, they could not prosecute further and therefore, there is a delay of 489 days in filing the appeal.



CMP(MD) No.10226 of 2023

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4. Even though we are convinced with the reasons stated by the petitioners, considering the enormous delay, we are inclined to condone the delay on terms.

5. Accordingly, this petition is allowed and the delay is condoned on condition that the petitioners shall pay a sum of Rs.5,000/- (Rupees Five Thousand Only) to the Advocate Clerks Association, Madurai Bench of Madras High Court, Madurai, within a period of two weeks from the date of receipt of a copy of this order, failing which, this petition shall stand dismissed automatically without further reference to this Court.

sd/-
11/03/2024

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/03/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PM
TO

1 THE EXECUTIVE OFFICER,
MELAGARAM TOWN PANCHAYAT
TOWN PANCHAYAT OFFICE, MELEGARAM
COURTALLAM P.O.
TENKASI TALUK,
TIRUNELVELI DISTRICT.



CMP(MD) No.10226 of 2023

2 THE DIRECTOR OF TOWNPANCHAYAT,
DIRECTORATE OF TOWN PANCHAYATS
AT EZHILAGAM,
CHENNAI.

COPY TO:

THE OFFICER INCHARGE,
ADVOCATE CLERKS ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

ORDER IN
CMP(MD) No.10226 of 2023
IN
WA(MD)SR.No.57419 of 2023
Date :11/03/2024

SA/VR/SAR. /15.03.2024/4P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.