



C.M.P.(MD).No.14066 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

C.M.P.(MD).No.14066 of 2024
in
W.A.(MD).SR.No.73507 of 2024

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George,
Chennai – 600 009.
 - 2.The Director of School Education,
College Road,
Chennai – 600 006.
 - 3.The Chief Educational Officer,
Kanyakumari District at Nagercoil,
Kanyakumari District – 629 001.
 - 4.The District Educational Officer,
Kuzhithurai,
Kanyakumari District.
 - 5.The Headmaster,
The Government Boys Higher Secondary School,
Marthandam,
Kanyakumari District.
- ... Petitioners/Appellants

Vs.

1.D.Paul Daniel



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2. The Accountant General,
Office of the Accountant General,
Chennai, Tamil Nadu,
261, Annasalai,
Chennai – 600 018.

... Respondents/Respondents

PRAYER in C.M.P.(MD).No.14066 of 2024: Civil Miscellaneous Petition filed under Section 5 of Limitation Act, praying to condone the delay of 1321 days in filing the above Writ Appeal filed as against the order passed in W.P.(MD).No.1636 of 2015 dated 09.01.2019, on the file of this Court.

PRAYER in W.A.(MD).SR.No.73507 of 2024: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 09.01.2019 in W.P.(MD).No.1636 of 2015 on the file of this Court.

For Petitioners	: Mr.R.Baskaran Additional Advocate General assisted by Mr.J.Ashok Additional Government Pleader
For R-1	: Mr.R.Maheswaran
For R-2	: Mr.P.Gunasekaran

ORDER

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

The present application is filed to condone the delay of 1321 days in filing the Writ Appeal against the order passed in W.P.(MD).No.1636 of 2015 dated 09.01.2019.



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2. Admittedly, the order copy was received by the petitioners on 06.02.2019 itself. The reason assigned for the delay thereafter is that the order passed in the Writ Petition was forwarded to the higher officials for further process and there, the papers got mixed up with the other bundles. Thereafter, there were restrictions during the COVID-19 pandemic period and hence, the appeal was not filed. The other reason stated is that there was a bifurcation of the Educational District and when the office of the District Educational Officer, Kuzhithurai was abolished and merged with Marthandam, the bifurcation files got mixed up with other similar matters. In this background, it is claimed that after hectic efforts, files could be traced only in the last week of August 2024.

3. The Writ Appeal has been admittedly filed after the first respondent herein had filed a Contempt Petition in Cont.P.(MD).No.1696 of 2024. The appeal is only for the purpose of interference to the interest ordered on the arrears of the monetary benefits awarded in the Writ Petition.

4. Insofar as the delay is concerned, between 06.02.2019 to the end of February 2019, when the pandemic started, the only reason assigned is that the papers were forwarded to the higher officials and there, they got mixed up with the other bundles. We are not convinced with such a reason assigned since even



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if the papers have been mixed up, there must be some reasonable time, which could be extended for such lapse. Likewise, once again, the petitioners herein claimed to have lost the papers while there was a bifurcation of the Educational District. Even this claim is over a period of two years between 22.09.2022 and 13.07.2024, when the contempt notice was issued.

5. We do not intend to extend any sympathy for such careless attitude of the petitioners in having dealt with the matter and denied the monetary benefits, which the first respondent is otherwise entitled to. Apparently, the appeal has been made with a faint attempt to escape from the contempt proceedings. We do not intend to be a part of such a conduct of the petitioners. Since the delay has not been explained satisfactorily, there are no grounds to condone the same.

6. Accordingly, the Civil Miscellaneous Petition stands dismissed. Consequently, W.A.(MD).SR.No.73507 of 2024 stands rejected.

(M.S.R.,J.) (A.D.M.C.,J.)
20.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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To

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Office of the Accountant General,
Chennai, Tamil Nadu,
261, Annasalai,
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