



WEB COPY



W.P(MD)No.27793 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2024

CORAM :

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD)No.27793 of 2024

and

W.M.P.(MD)No.23589 of 2024

M.Vijaya Lakshmi

... Petitioner

Vs.

1.The Additional Commissioner of Labour,
Office of the Additional Commissioner,
Trichy.

2.The Deputy Commissioner of Labour,
Office of the Additional Commissioner,
Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent vide his proceedings Na.Ka.No.Aa/1039/2024, dated 29.05.2024 and quash the same as illegal and consequently, to direct the 1st respondent to take the appeal on file and decide the same on merits.

For Petitioner : Mr.A.Balakrishnan

For Respondents : Mr.P.Thambidurai,

Government Advocate



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ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.Challenge has been made to the order of the 1st respondent dated 29.05.2024, where the appeal along with delay condonation petition preferred by the petitioner has been rejected on the ground that the appeal has to be preferred within a period of 60 days from the date of order of the original authority.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an illiterate and she does not aware of the provisions of the Act and further, she is not in a position to engage any legal expert and seek legal advice from the Advocate. Therefore, the delay is occurred.

4.Mr.P.Thambidurai, learned Government Advocate, who takes notice on behalf of the respondents, submits that since the appeal has been preferred with an inordinate delay of 167 days, the 1st respondent refused to entertain the appeal.



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5.Considering the submissions made on either side and since the reasons for not filing the appeal on time appear to be genuine and reasonable, this Court is inclined to condone the delay, accordingly, it is condoned and while condoning the delay, this Court has set aside the order of the 1st respondent dated 29.05.2024 and directed the 1st respondent to take up the appeal on record, if it is otherwise in order and decide the same on its own merits and in accordance with law.

6.With the above direction, this Writ Petition is allowed. No costs.
Consequently, connected miscellaneous petition is closed.

21.11.2024

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

Yuva

To

- 1.The Additional Commissioner of Labour,
Office of the Additional Commissioner,
Trichy.
- 2.The Deputy Commissioner of Labour,
Office of the Additional Commissioner,
Trichy.



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KRISHNAN RAMASAMY, J

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