



CMP(MD) No.15370 of 2023

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

Tuesday, the Sixteenth day of April Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice R.SURESH KUMAR
and
The Hon`ble Mr.Justice G. ARUL MURUGAN

CMP(MD) No.15370 of 2023
in
WA(MD) SR No.82264 of 2023

1 THE GOVERNMENT OF TAMILNADU
REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT,
FOREST AND ENVIRONMENT DEPARTMENT,
FORT ST. GEORGE,
CHENNAI.

2 THE CHIEF CONSERVATOR OF FORESTS,
PANAGAL BUILDINGS,
SAIDAPET, CHENNAI.

3 THE CONSERVATOR OF FORESTS AND FIELD DIRECTOR,,
MUDUMALAI TIGERS SANCTUARY,
UDAGAMANDALAM (OOTY).

... Petitioners / Appellants

Vs

1 M.KARUPPASAMY

2 THE PRINCIPAL ACCOUNTANT GENERAL,,
OFFICE OF THE ACCOUNTANT GENERAL,
TEYNAMPET,
CHENNAI 18.

... Respondents / Respondents



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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 897 days in filing the present Writ Appeal against the order dated 15.03.2019 passed in WP(MD). No.6105 of 2019.

Prayer in WA(MD) SR No.82264 of 2023:

To set aside the order dated 15.03.2019 passed in WP(MD) No.6105 of 2019 and allow the present writ appeal.

Prayer in WP(MD). 6105/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus, directing the 1st respondent to count half of the service rendered by the petitioner as a Plot watcher on the basis of daily wages from 01.02.1981 to 06.07.2007, along with regular service rendered by him as the Night watchman from 07.07.2007 to till the date of his retirement on 30.06.2010 as qualifying service and to send the revised proposal to the 4th respondent, for the purpose of granting pension to the petitioner with all consequential monitory benefits by considering his representation, dated 16.02.2019.

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.N.SATHEESH KUMAR, Additional Government Pleader for the petitioners and of Mr.M.SOLAISAMY, Advocate on behalf of the Respondent No.1 and of Mr.P.GUNASEKARAN, Advocate on behalf of the Respondent No.2, the Court made the following order:-

(Order of the Court was made by R.SURESH KUMAR, J.)

This petition has been filed to condone the delay of 897 days in filing W.A(MD)SR.No.82264 of 2023.

2.Heard Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the petitioners, Mr.M.Solaisamy, learned counsel appearing for the



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first respondent and Mr.P.Gunasekaran, learned counsel appearing for the second respondent.

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3.Though the Covid-19 position had been stated as a reason for condoning the delay, after the Covid-19 period why the further delay has occurred, has not been explained, despite that, we are inclined to allow this petition because the main issue can be decided, where the respondents also can be given an opportunity, however, because of this long delay, this petition can be ordered only on payment of costs.

4.Accordingly, this Civil Miscellaneous Petition is allowed on condition that the petitioners shall pay a sum of Rs.5,000/- [Rupees Five Thousand only] as cost to the first respondent and the said cost shall be paid to the first respondent through the learned counsel for the first respondent.

sd/-
16/04/2024

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/04/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PS



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To

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GOVERNMENT OF TAMILNADU
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ORDER

IN

CMP(MD) No.15370 of 2023

in

WA(MD) SR No.82264 of 2023

Date :16/04/2024

ED/ VR /SAR- (22/04/2024) 4P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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