



CMP(MD) No.518 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice D.KRISHNAKUMAR
and
The Hon`ble Mr.Justice P. DHANABAL

CMP(MD) No.518 of 2024
in
WA(MD) SR.No.96330 of 2023

THE DISTRICT COLLECTOR
DINDIGUL DISTRICT.

... PETITIONER/ APPELLANT

Vs

JABER SADIQ

... 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 757 days in filing appeal against the order dated 11.11.2019 passed in WP (MD) No.21879 of 2019 on the file of this Honourable Court.

Prayer in WA(MD) SR.No.96330 of 2023 :

To set aside the order dated 11.11.2019 made in W.P.(MD)No.21879 of 2019 and allow this Writ Appeal.

Prayer in WP(MD). 21879/ 2019 :

To the impugned order passed by the respondent in his proceedings in Na.Ka.No.2974/2019/Ou.Va.2 dated 03.7.2019 and quash the same as illegal and consequently direct the respondent to include the petitioners name in the promotion list of Block Development Officer 2019-2020 in Dindigul District.



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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.T.AMJADKHAN, Government Advocate for the petitioner and of MR.D.VENKATESH, 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 757 days in filing the W.A.[MD] SR.No.96330 of 2023.

2.Today, a better affidavit has been filed by the petitioner. The respondent has filed a writ petition for inclusion of his name in the promotion panel for the year 2019-2020. Despite the fact that disciplinary proceedings were pending as against the respondent, the said writ petition came to be allowed. As against which, the petitioner herein has preferred the present writ appeal but with an inordinate delay of 757 days.

3.In paragraph Nos.9 and 10, it has been stated by the petitioner that the appeal was numbered as W.A.[MD]No.SR88478 of 2019 initially and the Registry returned the same seeking to rectify some defects in the case. At that time, due to Covid-19 lock down, the Government Pleader's office was closed and thereafter, they called for some documents. In the meantime, W.A.[MD]No.SR88478 of 2019 bundle was misplaced. Therefore, again the petitioner has filed a fresh petition.

4.The learned Counsel appearing for the respondent objected for allowing this



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petition.

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5.We have gone through the reasons stated in the affidavit filed in support of this petition. Though normally we are not inclined to condone such inordinate delay, considering the reasons stated in the better affidavit, we are inclined to condone the delay on payment of cost. Therefore, the delay is condoned and this petition is allowed on payment of Rs.5000/- (Rupees Five Thousand Only) to the respondent and a sum of Rs.5000/- (Rupees Five Thousand Only) to the credit of the Environmental Fund Operated by Member Secretary, Tamil Nadu State Legal Services Authority [Account No.6656485009; IFSC Code: IDIB000H040, High Court Branch, Chennai] within a period of two [2] weeks from today.

6.Post the matter after two [2] weeks for reporting compliance.

sd/-

04/03/2024

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/03/2024

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

MR

TO

THE DISTRICT COLLECTOR
DINDIGUL DISTRICT.



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THE OFFICER INCHARGE,
TAMIL NADU STATE LEGAL SERVICES AUTHORITY,
MADRAS HIGH COURT, CHENNAI.

ORDER
IN
CMP(MD) No.518 of 2024
in
WA(MD) SR.No.96330 of 2023
Date :04/03/2024

RS/VR/SAR-(13.03.2024) 4P 3C
Madurai Bench of Madras High Court is issuing
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