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C.M.P.No.21617 of 2023 in Rev.Appl.Sr.No.11046 and ano



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

C.M.P.No.21617 of 2023 in Rev.Appl.Sr.No.110463 of 2023
and
C.M.P.No.21542 of 2023 in Rev.Appl.Sr.No.110464 of 2023

1.The State of Tamil Nadu rep. by
The Secretary to Government,
Finance (Pension) Department,
Secretariat, Chennai - 600 009.

2.The State of Tamil Nadu,
rep. by Secretary to Government,
Agriculture (AT) Department,
Secretariat, Chennai - 600 009.

...Petitioners in both CMPs

Vs.

1.Tamil Nadu Agricultural University
Pensioners Association,
Rep. by its President, TNAU Campus,
Coimbatore - 641 003.

2.Tamil Nadu Agricultural University,
Rep. by its Registrar,
Coimbatore - 641 003.

...Respondents in both CMPs

Prayer in C.M.P.No.21617 of 2023: Petition filed under Section 5 of the
Limitation Act praying to condone the delay of 2113 days in filing the above
Review Application against the order dated 10.10.2017 made in W.A.No.548



of 2016.

Prayer in C.M.P.No.21542 of 2023: Petition filed under Section 5 of the Limitation Act praying to condone the delay of 2113 days in filing the above Review Application against the order dated 10.10.2017 made in W.A.No.549 of 2016.

For Petitioners : Mr.Alagu Gowtham,

Government Advocate in both CMPs

For Respondents : Mr.M.Sriram in both CMPs

COMMON ORDER

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

A huge delay of 2113 days is sought to be explained as follows in the paragraph No.17 of the affidavits:-

17. It is submitted that the Review Petition ought to have been filed within 30 days from the date of receipt of the copy of the order. It is further submitted that on receipt of the said order was sent for legal opinion and that a legal opinion was received on 08.08.2019 advising to file a Review Petition. It is further submitted that the said opinion was then forwarded to the government through proper channel and as the government was in the Covid - 19 pandemic forced the government to put



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on hold the consultation process. Subsequently, general elections were held following the Covid - 19 pandemic and as the pandemic came to an end, the government had resumed the consultations in this case. It is further submitted that since a long period had elapsed since the passing of order the government had again instructed the concerned authorities to hold discussions with the legal advisors regarding the further course of action to be taken in view of the efflux of time. Thereafter, several consultations were held between the departments and legal advisors following which it was decided to proceed with filing of review petition for reasons stated in the foregoing paragraphs herein and following the same the review petition was drafted, vetted and sent for approval to the government. On receipt of the approval this review petition is being filed. The had opined the Government to file Review Petition before this Hon'ble High Court. In view of the Covid-19 pandemic and the general elections as well as the process of intra and inter departmental correspondence and communications as well there has occurred a delay of 2113 days in filing this Review Application.

2. Admittedly, the copy of the order was sent for legal opinion and the legal opinion was received on 08.08.2019. These review petitions came to be filed only on 23.08.2023, that too after the contempt petition was filed.



Be that as it may, we do not find the reasons assigned as sufficient cause within the meaning of Section 5 of the Limitation Act.

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3. Moreover, the order sought to be reviewed is based on the Government Order issued in G.O.No.363, Finance (PGC) Department, dated 23.08.2013, which was again issued in compliance with the directions of the Hon'ble Supreme Court in *Kallakkurichi Taluk Retired Officials Association, Tamil Nadu and others Vs. State of Tamil Nadu* reported in *2013 (2) SCC 772*. We therefore see no ground to condone the delay.

4. Hence, these petitions for condonation of delay are **dismissed** and the Review Petitions are rejected in the SR Stage. No costs.

(R.S.M., J.) (T.K.R., J.)
22.04.2025

dsa

Index : No
Neutral Citation : No
Speaking order
To

1.The Secretary to Government,

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- The State of Tamil Nadu,
Finance (Pension) Department,
Secretariat, Chennai - 600 009.
- 2.The Secretary to Government,
State of Tamil Nadu,
Agriculture (AT) Department,
Secretariat, Chennai - 600 009.
- 3.The President,
Tamil Nadu Agricultural University
Pensioners Association,
TNAU Campus,
Coimbatore - 641 003.
- 4.The Registrar,
Tamil Nadu Agricultural University,
Coimbatore - 641 003.



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R.SUBRAMANIAN, J.
and
RMT.TEEKAA RAMAN, J.

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