

C.M.P.(MD) No.778 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

AND

THE HONOURABLE MRS.JUSTICE A.D.MARIA CLETE

C.M.P.(MD)No.778 of 2022

in

W.A.(MD)SR.No.358 of 2022

1.The State of Tamil Nadu,

Represented by its Secretary,

Department of Health and Family Welfare,

Secretariat, Chennai.

2.The Special Secretary cum Project Director,

Directorate of Health and Family Welfare,

Tamil Nadu Health System Project,

Teynampet,

Chennai – 6.

3.The District Collector,

Madurai District,

Madurai.

... Petitioners

-Vs-

A.Vaiyalingam

... Respondent

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PRAYER in C.M.P.(MD)No.778 of 2022: Petition filed under Section 5 of the Limitation Act, praying to condone the delay of 1169 days in filing the above Writ Appeal filed as against the order dated 01.12.2016 made in W.P.(MD)No.18101 of 2013.

PRAYER in W.A.(MD)SR.No.358 of 2022: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 01.12.2016 in W.P.(MD)No.18101 of 2013.

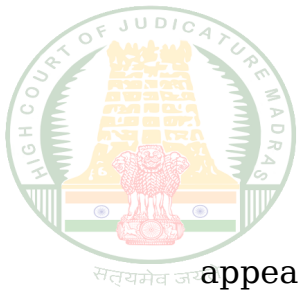
For Petitioners : Mr.SRA.Ramachandaran
Additional Government Pleader
For Respondent : Mr.G.Thalaimutharasu

ORDER

[Order of the Court was made by *M.S.RAMESH, J.*]

The reasons assigned by the appellant for the delay of 1169 days is that after the Writ Court has passed orders on 01.12.2016, the Special Government Pleader of the Madurai Bench of Madras High Court had opined that it is a fit case for filing Writ Appeal after about 10 months on 11.10.2017. Thereafter, it is stated that the

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appeal papers were made ready and was vetted by the Special Government Pleader on 05.11.2019. The inordinate delay of 10 months between 11.10.2017 and 05.11.2019, for the Government Pleader to give his opinion with regard to preferring an appeal has not been properly explained. Likewise, between 11.10.2017 to 05.11.2019, there is absolutely no reasons assigned by the appellants for almost two years of delay in preparing the appeal papers. In our considered view, the delay of 1169 days has not been properly explained and hence, we do not find any ground to condone the same.

2.This apart, we are also apprised of the fact that when the Government had preferred an appeal against similar orders passed in a Writ Petition, wherein the Writ Court had directed to regularise the services of similarly placed persons, a Coordinate Bench of this Court, through its orders dated 09.09.2024 in Writ Appeal No.840 of 2022, had placed reliance on a Full Bench Decision of this Court in the case of ***M.Sivappa Vs. The State of Tamil Nadu and four others [W.P.No.23823 of 2023, dated 26.02.2024]***, and had dismissed the Writ Appeal, with a consequential direction to regularise the services of the respondents therein who were all serving in the same Government Rajaji Hospital, Madurai. The



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decision passed in the aforesaid Writ Appeal, would squarely apply to the present case also and even if this Writ Appeal is taken up on file, the appellants may not have a chance of succeeding. On this ground also, we are not inclined to condone the delay.

3. Accordingly, this Civil Miscellaneous Petition is dismissed. Consequently, connected W.A.(MD)SR.No.358 of 2022 is rejected at the SR stage itself. There shall be no order as to costs.

[M.S.R., J.] & [A.D.M.C., J.]

27.01.2025

NCC : Yes / No

Index : Yes / No

Internet: Yes / No

MR



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A.D.MARIA CLETE, J.

MR

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