



C.M.P.(MD)No.2492 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.02.2025

CORAM:

**THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MRS JUSTICE S.SRIMATHY**

C.M.P.(MD)No.2492 of 2025
and
W.A.(MD)No.SR 7125 of 2025

The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Periyamilaguparai,
Tiruchirapalli.

...Petitioner/Appellant

Vs

1.The Presiding Officer,
Labour Court,
Tiruchirapalli.

2.N.Krishnan

...Respondents/Respondents

PRAYER in C.M.P.(MD)No.2492 of 2025: Petition-filed Under Clause 5 of the Limitation Act, to condone the delay of 885 days in preferring the writ appeal against the order passed in W.P.(MD)No.5759 of 2024 dated 01.08.2022.

Prayer in W.A.(MD)No.SR 7125 of 2025: Writ Appeal- filed under Clause 15 of the Letters Patent Act, to set aside the order in W.P.(MD)No.5759 of 2014 dated 01.08.2022.



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For Appellant : Mr.K.Jegadeesabalan
For R1 : Court

ORDER

(Order of the Court was made by **J.NISHA BANU, J.**)

This petition is filed to condone the delay of 885 days in filing the above writ appeal against the order of this Court dated 01.08.2022 in W.P. (MD)No.5759 of 2014.

2.The reasons stated in the application for delay are that the previous Counsel has not handed over the files to the Management and further, after the order was passed in the writ petition, the Corporation sought legal opinion for preparing an appeal. Hence, the delay was occurred.

3.On perusal of the entire affidavit, except these two reasons, no other sufficient reasons whatsoever have been given by the petitioner. Therefore, if the delay, that was occurred because of such casual manner is condoned, the same will encourage the Officials to be very careless in prosecuting the matter before the Court of law and such delay cannot be condoned mechanically without any proper reasons.



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4.Further, the second respondent was imposed with the punishment of removal from service due to his unauthorized absent. Challenging the said order of punishment, the second respondent approached the Labour Court and the Labour Court had directed the petitioner Corporation to reinstate the second respondent in service and accept the application of the second respondent for voluntary retirement. The said order was put to challenge in the writ petition, which was also dismissed by the learned Single Judge.

5.The allegations levelled against the second respondent is that he was unauthroizedly absent from 14.02.2002 to 09.04.2002. It is to be noted that the second respondent had submitted his application for voluntary retirement on 21.02.2002 and the charge against the second respondent was framed on 11.04.2002. The Labour Court as well as the learned Single Judge had rightly concluded that without considering the application for voluntary retirement given by the second respondent on health ground, imposing the punishment of dismissal from service, is against the rules and grossly disproportionate and dismissed the claim of the petitioner Corporation.

6.Even on merits, the petitioner does not have a case and also there is no valid explanation for such huge delay. Therefore, owe are not inclined to



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condone this delay petition without sufficient reasons. Accordingly, this Civil Miscellaneous Petition is dismissed and consequently, the writ appeal is also rejected at the SR stage itself. No costs.

(J.N.B.,J.) (S.S.Y.,J.)
19.02.2025

Index : Yes/No
Internet : Yes/No
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To

1.The Presiding Officer,
Labour Court,
Tiruchirapalli.



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