



C.M.P.(MD)No.12995 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.02.2025

CORAM:

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

C.M.P.(MD)No.12995 of 2024
and
W.A.(MD)No.SR 60232 of 2024

Dhanalakshmi

...Petitioner/Appellant

Vs

1.The Secretary,
Government of Tamil Nadu,
School Education Department,
Secretariat, Chennai.

2.The Chief Educational Officer,
Karur District, Karur.

...Respondents/Respondents

PRAYER in C.M.P.(MD)No.12995 of 2024: Petition-filed Under Clause 5 of the Limitation Act, to condone the delay of 1028 days in preferring the writ appeal against the order passed in W.P.(MD)No.16992 of 2024 dated 21.09.2021.

Prayer in W.A.(MD)No.SR 60232 of 2024:Writ Appeal- filed under Clause 15 of the Letters Patent Act, to set aside the order in W.P.(MD)No.16992 of 2021 dated 21.09.2021.

For Appellant : Mr.T.Lenin Kumar
For Respondents : Mr.J.Ashok
Additional Government Pleader



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C.M.P.(MD)No.12995 of 2024

ORDER

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

This petition is filed to condone the delay of 1028 days in filing the above writ appeal against the order of this Court dated 21.09.2021 in W.P. (MD)No.16992 of 2021.

2.The reasons stated in the application for delay are that paucity of fund and ill health due to the old age of the petitioner. 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 writ petitioner. Therefore, if the delay, that was occurred because of such casual manner is condoned, the same will encourage the writ petitioner to be very careless in prosecuting the matter before the Court of law and such delay cannot be condoned mechanically without any proper reasons.

4.The writ petition was filed by the petitioner challenging the order of rejection of the application made by the husband of the writ petitioner seeking revised scale of pay as per G.O.Ms.No.216, dated 22.03.1993. The said writ



C.M.P.(MD)No.12995 of 2024

petition was dismissed on the ground that for the very same relief, the husband of the petitioner earlier filed a writ petition, in which this Court had directed the authorities concerned to revise the pension as early as possible without any further delay, hence, the second writ petition filed by the wife of an employee seeking the very same relief cannot be maintained. Thus we also do not find any justification in the writ appeal.

5. Therefore, even on merits, the petitioner does not have a case and also there is no valid explanation for such huge delay. Therefore, we are not inclined to entertain 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.)
25.02.2025

Index : Yes/No

Internet : Yes/No

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Karur District, Karur.



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