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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02-07-2025

CORAM

THE HONOURABLE MR JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CMP(MD) Nos. 4909, 4913, 4917, 4919, 4921, 4927,
4930, 4932, 4934, 4935, 4941 & 4942 of 2025

in

Rev.Applc(MD)SR.No.57294, 57302, 57304, 57305, 57295, 57308,
57301, 57297, 57298, 57299, 57300 & 57306 of 2023

CMP(MD)No.4909 of 2025:

1.The Government of Tamilnadu
Secretary to Home Department,
Fort St.George,
Chennai - 600 009.

2.The Director General of Police,
Kamaraja Salai,
Mylapore, Chennai - 600 004.

3.The Superintendent of Police,
Railway Police Office,
Trichy.

Petitioner(s)

Vs

1.S.Sivanpillai



2.The Accountant General,
(Accounts and Entitlements) Pension,
Section 15, 361, Anna Salai, Chennai- 18.

Respondent(s)

Prayer: Civil Miscellaneous Petition filed under Section 5 of Limitation Act, to condone the delay of 805 days in filing the above review application to review the order passed in C.M.P(MD)No.10412 of 2017 in W.A(MD)SR No.43832 of 2017 dated 19.04.2021.

For Petitioner(s):

Mr.Veera.Kathiravan
Additional Advocate General
Assisted by
Mr.A.Kannan
Additional Government Pleader

For Respondents:

Mr.S.Visvalingam for R.1

COMMON ORDER

(Order of the Court was made by the Hon'ble G.R.SWAMINATHAN J.)

Heard the learned Additional Advocate General appearing for the petitioners and the learned counsel appearing for the writ petitioners / respondents.

2.The respondents herein filed writ petitions for conferment of notional promotion as SSI and for grant of consequential monetary benefits. The writ



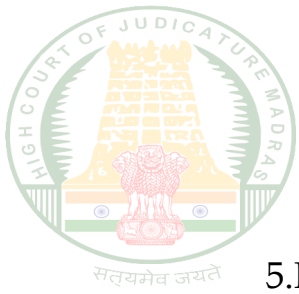
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petitions were allowed by the learned single Judge vide order dated 26.11.2013.

Aggrieved by the same, the petitioners herein filed writ appeals. The writ appeals were not filed in time. There was huge delay. The Hon'ble Division Bench vide order dated 19.04.2021 took the view that sufficient cause has not been set out and hence dismissed the condone delay petitions. Seeking review of the same, the petitioners herein filed review applications. The review applications were also not filed in time. There has been considerable delay.

3.The question that calls for consideration is whether the delay in filing the review application deserves to be condoned.

4.It is seen that the learned single Judge allowed the writ petitions on the strength of the order dated 17.06.2013 in W.A(MD)No.1506 of 2011 (The Government of Tamil Nadu Vs V.Samy and others). This decision was subsequently reviewed and the review application was allowed on 22.03.2017 in Rev.Aplc(MD) Nos.70 to 79 of 2015. Thus the very basis on which the order of the learned single Judge rests has been totally undermined. The Hon'ble Full Bench of this Court in W.A.No.3748 of 2019 dated 04.02.2022 also held that W.A(MD)No.1506 of 2011 dated 17.06.2013 is not good law. That is why we chose to condone the delay in filing the writ appeal filed against W.P(MD)No.133 of 2013. In fact, we condoned the delay of 3887 days.



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5.It is true that while considering the condone delay petition, one should not go into the merits of the matter. This rule cannot be an absolute rule. Unless we condone the delay in this case, there will be two sets of persons. One who have enjoyed the benefit while the other have been denied the relief. That would definitely not be an equitable state of affairs. That is why, we are of the view that delay in this case is to be condoned. Delay is condoned. The third petitioner herein is directed to pay a sum of Rs.2000/- (Rupees Two Thousand only) as cost for allowing this appeal. This shall be paid to the credit of the High Court Legal Services Committee within a period of two days from the date of receipt of a copy of this order.

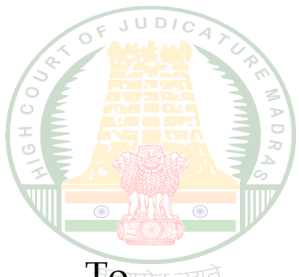
6.Registry shall thereafter number the review applications and list the same before this Court.

sd/-
02/07/2025

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02/07/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

MGA



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Chennai - 600 009.

2.The Director General of Police,
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Mylapore, Chennai - 600 004.

3.The Superintendent of Police,
Railway Police Office,
Trichy.

4 The Accountant General,
(Accounts and Entitlements) Pension,
Section 15, 361, Anna Salai, Chennai- 18.

COPY TO:

THE OFFICER INCHARGE,
HIGH COURT LEGAL SERVICES COMMITTEE,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
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Date :02/07/2025

MK/02.07.2025 5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023