



W.A.(MD)No.2715 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On:10.10.2025

Pronounced On: 11.11.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.A.(MD)No.2715 of 2025
and
C.M.P(MD)No.15443 of 2025

- 1.The Managing Director,
State Express Transport Corporation
(Tamil Nadu) Ltd.,
Pallavan Salai,
Chennai.
- 2.The General Manager,
State Express Transport Corporation (Tamil Nadu) Ltd.,
Pallavan Salai, Chennai-2.
- 3.The Branch Manager,
State Express Transport Corporation (Tamil Nadu), Ltd.,
Madurai-7.
- 4.The Administrator,
Tamil Nadu State Transport Corporation Employees
Pension Fund Trust, Thiruvalluvar Illam,
Pallavan Salai, Chennai-2. ... Appellants

/Vs./



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C.Baluchamy

... Respondent

PRAYER:- Writ Appeal – filed under Clause 15 of Letters Patent, to set aside the order passed in W.M.P.(MD)No.6517 of 2025 in REV.APLW(MD)No. SR 25587 of 2025 on the file of this Court dated 20.08.2025.

For Appellants 1-3 : Mr.S.C.Herold Singh
For Appellant 4 : M/s.Dhakshayini Reddy,
Senior Counsel for
M/s.Madhuri Donti Reddy
For Respondent :No notice issued.

JUDGMENT

(Order of the Court was made by **C.KUMARAPPAN, J.**)

The present writ appeal has been filed against the order of the learned single Judge in W.M.P(MD)No.6517 of 2025, dated 20.08.2025 by and in which, the learned single Judge has dismissed the delay condonation application filed along with the unnumbered Review Application.

2.The facts in so far as material and relating to the



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controversies are as follows; the respondent herein has preferred a writ petition in W.P.(MD)No.265 of 2024 claiming Selection Grade Pay. The learned single Judge, vide order dated 06.03.2024, has allowed the writ petition. Aggrieved with the same, the appellants herein has preferred the writ appeal in W.A(MD)No.1197 of 2024, but later on they withdrew the same on 23.07.2024, and as a result of which, the same was dismissed as withdrawn. After withdrawal of the Writ Appeal, the appellants herein again preferred a review application, before the learned single Judge with the delay of 350 days. The learned single Judge, after having considered the submission of the appellant, has dismissed the said delay condonation application, and has held that such application was filed only to protract the proceedings and to prevent the respondents herein from enjoying the fruits of the order. Aggrieved with the same, the present writ appeal has been filed.

3. When the matter was heard by us on 19.09.2025, we have observed as follows:

“Prima facie, we are disinclined to entertain this writ appeal, seeing as the challenge is to an order of the learned single Judge dismissing a review petition on account



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of the enormous delay of 350 days. We are hence to look at the reasons that had been set out by the Transport Corporation explaining the delay of 350 days. This takes us to paragraph 11 of the petition filed wherein the Transport Corporation states that the files were placed before the Board of Directors and on instructions, placed before the learned Standing Counsel for legal opinion, after obtaining which, the review was filed.

2.This, in our view, is no justification whatsoever. In fact, paragraph 11 contains a blank as far as the computation of delay is concerned, which has not even been filled in.

3.Faced with this position, Mrs.Dakshayini Reddy, learned Senior Counsel appearing for Mr.S.C.Herold Singh, learned counsel on record for R1 to R3 would seek some time to enable the Transport Corporation to file a better affidavit. Adjourned to 10.10.2025.”

In pursuance of the above order, the appellants have come up with an additional affidavit, dated 4th October 2025.

4.Now the point for consideration is whether at least in the additional affidavit whether the appellants have explained the sufficient

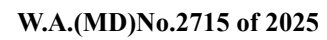


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cause to condone the delay.

5.Heard Mr.S.C.Herold Singh, learned counsel appearing for the appellant Nos.1 to 3 and M/s.Dhakshayini Reddy, learned Senior Counsel appearing for M/s.Madhuri Donti Reddy, for the fourth appellant. No notice issued to the respondent.

6.The learned Senior Counsel appearing for the fourth appellant would vehemently contend that the very review application becomes essential, as the appellants inadvertently failed to bring to the knowledge of the writ Court about the factum of the date retirement of the respondent qua prior to 01.01.2008. It was also contended that the respondent herein has suppressed the material factum of filing of an earlier writ petition. While explaining the delay, the learned Senior Counsel for the appellant would submit that the factum of retirement of the respondent prior to 01.01.2008 was not placed before the learned single Judge, therefore the appellant Corporation was advised to withdraw the Writ Appeal and accordingly the same was withdrawn on 23.07.2024. She would further submit that after the withdrawal, they got



7. It is their submission that between 14.10.2024 and 24.04.2025, there was a delay of 158 days in filing the review application. Apart from the above delay occasioned due to administrative procedure, it is the contention of the appellant that at the relevant point of time, the Managing Director was involved in arranging extra transport to meet the Deepavali rush, and again from November to March, the Managing Director was engaging with the Trade unions Talks to finalise the 15th wage settlement. It is in this back ground, there was a delay of 350 days in filing the review application. The learned Senior Counsel would submit that unless the above delay is condoned, there will be a



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huge financial loss to the appellant. Hence, she prays to allow the writ appeal. The appellants 1 to 3 has no separate argument.

8.We have given our anxious consideration to the submission of the appellants.

9.Before we proceed with the facts, it is appropriate to deal with the conduct of the appellants. Here we must keep in mind that the delay has not occurred in filing the original petition, but on the other hand, the same is in respect of filing the subsequent proceedings. It is overt that the authorities have dealt the nitty-gritty of the issue many times, qua at the time of filing the Writ Petition, Writ Appeal, and at the time of taking decision for withdrawal of the Writ Appeal. Initially, their original affidavit did not contain any sufficient reason for condonation of delay. Though they filed additional affidavit, the same also does not contain any new sufficient cause, except elaboration of their original affidavit.



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10.As already stated that review was filed, after two stages of previous legal proceedings namely writ petition and writ appeal. Therefore, the reason found in their affidavit demonstrates the lack of responsibility and seriousness towards the pending legal proceedings. Such conduct of the appellant could only be brought within the category of lethargy and inaction.

11.Though the Hon'ble Supreme Court has held that certain degree of leeway ought to be accorded to the Government and Public Authorities owing to the innate complexities in the way the State apparatus function, after the advent of the judgment in ***Postmaster General vs. Living Media India Ltd.***, reported in ***(2012) 3 SCC 563***, the Hon'ble Supreme Court deviated from its earlier practice of extending unwarranted leniency towards the Governmental agencies and had emphasised that the law of limitation binds the state on par with the ordinary litigant. In this regard, it is appropriate to refer Para Nos.27 to 29 of the said judgment as hereunder:



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“27. It is not in dispute that the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitation for taking up the matter by way of filing a special leave petition in this Court. They cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings. In the absence of plausible and acceptable explanation, we are posing a question why the delay is to be condoned mechanically merely because the Government or a wing of the Government is a party before us.

28. Though we are conscious of the fact that in a matter of condonation of delay when there was no gross negligence or deliberate inaction or lack of bona fides, a liberal concession has to be adopted to advance substantial justice, we are of the view that in the facts and circumstances, the Department cannot take advantage of various earlier decisions. The claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody, including the Government.”

(Emphasis supplied)



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12. Similarly in a recent judgment in *Union of India vs. Jahangir Byramji Jeejeebhoy*, reported in **2024 SCC Online SC 489**, the Hon'ble Supreme Court has held that the 'Sword of Damocles' should not be allowed hang over the head of the litigant for indefinite period by casually condoning the delay. It was further held that unless the Department has reasonable and acceptable reason for the delay and shown the sufficient cause, the question of condonation of such delay should not be an automatic one. In the case in hand, having contended the writ petition, and filed the writ appeal, and having consciously withdrawn the writ appeal on advice, again taking 350 days to get further opinion and concurrence to file the review petition is egregious.

13. It is also relevant to refer that the Hon'ble Supreme Court has consistently held that there cannot be any room for largesse for State lethargy and leisure under Section 5 of the Limitation Act. The Hon'ble Supreme Court in the recent judgment in *Shivamma (dead) by Lrs., vs. karnataka Housing Board and Others*, reported in **2025 SCC Online**



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SC 1969, has observed as follows:

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“231. Public interest, therefore, does not lie in condoning governmental negligence, but in compelling efficiency, responsibility, and timely decision-making. This Court has time and again emphasised that liberal condonation of delay on behalf of the State, merely on the ground that refusal might cause the dismissal of a potentially meritorious matter, is a misplaced proposition. Public interest is not synonymous with the cause of the Government; it is, instead, synonymous with the enforcement of rule of law, certainty in legal rights, and an administrative machinery that functions with diligence and accountability.

232. It must, therefore, be underscored that the guiding principle is not the protection of governmental indifference but the promotion of responsible governance. The State is under a higher duty to act in time, for in every matter it litigates, it does so not in its private capacity, but as the trustee of the people's interest. Hence, repeated indulgence in condoning delays on grounds of bureaucratic inefficiency would amount to eroding the very object of limitation statutes, which are enacted in every civilised jurisdiction for the sake of finality, certainty, and public order.



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233. Any other view, would invariably defeat the sound public policy embodied in the Limitation Act and fail in enthusing efficiency in administration, and bring a balance between accountability and autonomy of action, It would result in giving immunity or carte blanche power to act as it pleases with the public at whim or vagary and inevitably spell doom all over the collective responsibility that the State and its instrumentalities are entrusted with. Thus, we are of the considered opinion, that delay cannot be condoned, merely because not doing so would result in non-suiting the State and thereby run the ostensible risk of public interest suffering. Such by no stretch can be the sole consideration for the purpose of Section 5 of the Limitation Act, as to do so would be to ignore the provision of Section 3 and the overarching public policy of giving quietus to lis, that forms the bedrock of the Limitation Act.

234. Even otherwise, it is no more res-integra, that law of limitation has to be applied all but the same and with all its rigour, even if it may harshly affect a particular party. In Basawaraj (supra) this Court observed that a result flowing from a statutory provision is never an evil. A court has no power to ignore that provision to relieve what it considers a distress resulting from its operation. Even if the statutory provision may cause hardship or inconvenience to a



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particular party the court has no choice but to give full effect to the same. It is based on the legal maxim dura lex sed lex i.e., “the law is hard but it is the law”. The relevant observations read as under:—

“12. It is a settled legal proposition that law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes. The court has no power to extend the period of limitation on equitable grounds. ‘A result flowing from a statutory provision is never an evil. A court has no power to ignore that provision to relieve what it considers a distress resulting from its operation.’ The statutory provision may cause hardship or inconvenience to a particular party but the court has no choice but to enforce it giving full effect to the same. The legal maxim dura lex sed lex which means “the law is hard but it is the law”, stands attracted in such a situation. It has consistently been held that, “inconvenience is not” a decisive factor to be considered while interpreting a statute.

13. The statute of limitation is founded on public policy, its aim being to secure peace in the community, to suppress fraud and perjury, to quicken diligence and to prevent oppression. It seeks to bury all acts of the past which have not been agitated unexplainably and have from lapse of time become stale. [...]”

(emphasise supplied)

14. In the above judgment, the Hon'ble Supreme Court has observed that while condoning the delay, the public interest must be



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maintained and mere condonations of delay on the ground of governmental organization would become betrayal of public interest.

Again coming back to the case in hand, the action of the appellant was not with the expected degree of vigilance and that the delay had occasioned because of the gross negligence, inaction, and casual indifference on the part of the appellants. Therefore, we absolutely do not find any grounds to interfere with the order of the learned single Judge.

15. In the result, this Writ Appeal stands dismissed. No costs.

Consequently, the connected miscellaneous petition is closed.

[A.S.M.J.] & [C.K.J.]
11.11.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes
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To

1.The Chairman

Tamil Nadu Public Service Commission
V.O.C.Nagar, Park Town,
Chennai-600 003.

2.The Secretary,

Tamil Nadu Public Service Commission,
V.O.C.Nagar, Park Town,
Chennai-600 003.

3.The State of Tamil Nadu,

Rep by its Secretary,
Personal and Administrative Reforms Department,
Fort St.George,
Chennai-600 009.



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DR.ANITA SUMANTH, J.
AND
C.KUMARAPPAN, J.

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Order made in
W.A.(MD)No.2715 of 2025
and
C.M.P(MD)No.15443 of 2025

Dated:
11.11.2025