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CMP No. 1560 of 2026
in W.A.SR.No.194790 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

**CMP No. 1560 of 2026 in
WA SR NO. 194790 OF 2025**

The State of Tamil Nadu
Rep. By Its Secretary To Governemnt, Handloom,
Handicrafts, Textiles And Khadi Department,
Fort St. George,
Chennai - 600 009.

.. Petitioner / Appellant

Vs

1. K Karuppa Pillai
S/o.Kuppusamy Pillai,
No.2, 2nd Main Street,
2/60-A, Sivaya Nagar,
Salem 636 016.
2. The Chief Executive Officer
Tamil Nadu Khadi and Village Industries Board,
Kuralagam, Chennai 108.

..Respondents

Prayer in CMP No. 1560 of 2026 : To condone the delay of 772 days in filing the above WA against the order passed in WP.No.9818 of 2013 dated 15-09-2023.

For Appellant :

Mr.P.V.Balasubramanian
Additional Advocate General assisted by
Dr.R.Gouri, Government Counsel

For Respondents :

Mr.P.Jagadeesan – for R1
R2- Served, no appearance



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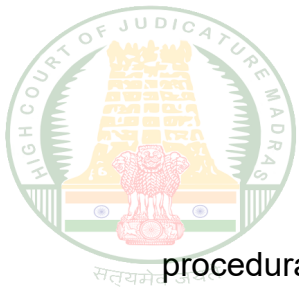
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Order

(Order of the Court was made by S.M.Subramaniam J.)

The present civil miscellaneous petition has been instituted to condone the delay of 772 days in filing the intra court appeal under Clause XV of the Letters Patent challenging the writ court order dated 15.09.2023 in W.P.No.9818 of 2023.

2. Learned Additional Advocate General Mr.P.V.Balasubramanian appearing on behalf of the State would submit that the delay of 772 days is due to certain administrative reasons and more so after a contempt petition was instituted in the year 2025, action was taken and appeal came to be filed. In paragraphs 8 and 9 of the affidavit filed in support of the present miscellaneous petition, the State states that the writ order under challenge was received on 06.12.2023 and thereafter the department had sought for opinion as administrative procedure and viability for filing writ appeal. The file was processed through the internal administration channel of the department for seeking legal opinion from the law officers. Due to inter departmental consultations, particularly with the Tamil Nadu Khadi and Village Industries Board and other government departments, time was taken to compile records, seek concurrence and finalize the appeal. The process of record transmission, scrutiny and vetting of the appeal papers contributed to the delay. The delay is



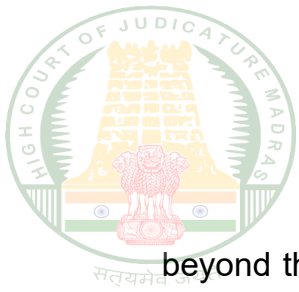
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procedural and administrative in nature, arising from the bonafide exercise of due diligence and internal approvals necessary under Government protocol.

3. Any administrative delay if occurs at the instance of the officials responsible and accountable for preferring an appeal within the timeline, to be viewed seriously and those officials are to be subjected to departmental disciplinary proceedings for dereliction of duty, lapse and negligence. All administrative procedures required for filing an appeal must be completed within the time limit for preferring an appeal. The Courts may take a lenient view on meagre delay and if there is an enormous delay, reason stated must be candid and convincing. In the absence of any acceptable reason, the condone delay petitions are normally rejected.

4. This Court is of the view that administrative delay and procedural delay routinely cited as a reason cannot be accepted. Such procedural delay if occurs on account of unavoidable reason then such reasons must be clearly stated in the affidavit filed in support of the miscellaneous petition.

5. However, we have gone through the order under challenge in the writ appeal. The respondent has involved in a criminal case under the Prevention of Corruption Act and simultaneously departmental disciplinary proceedings are initiated, charges are framed for corrupt practices and causing financial loss to the State Government. The contempt petition was filed in the year 2025 ie.,



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beyond the period of one year and if the date of filing of the contempt petition is falling beyond the period of one year, such contempt petitions are not maintainable under Section 20 of the Contempt of Courts Act, 1971.

6. Undoubtedly, if the delay is enormous, normally the Court would not condone such a long delay. But the Hon'ble Supreme Court of India in the case of **Inder Singh -vs- State of Madhya Pradesh (2025 INSC 382)** held that **“delay cannot be condoned without sufficient cause, but a major aspect which must be kept in mind is that if in any particular case, merits have to be examined, it should not be scuttled merely on the basis of limitation.”**

7. In the present case, the alleged charge against the respondent is regarding corrupt practices and a criminal case was registered under the Prevention of Corruption Act. Though the criminal case ended with an order of acquittal and confirmed by the appellate Court, the same would not be a bar for institution of departmental disciplinary proceedings and punish the employee under the Discipline and Appeal Rules.

8. The standard of proof required to punish a person under criminal law is strict, but preponderance of probabilities are sufficient to punish an employee under the Discipline and Appeal Rules. Therefore, the procedures adopted for criminal case and departmental disciplinary proceedings are distinct and different and mere acquittal in a criminal case would not be a bar for continuing the



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departmental disciplinary proceedings. All these aspects are to be examined on merits and in the event of dismissal of the condone delay petition, the parties will lose their right of adjudication of issues on merits, which is not desirable in the present case since the appeal has been filed by the State and ultimately the public interest is in stake.

9. In view of the judgment of the Supreme Court cited supra and considering the fact that issues are to be decided on merits, this Court is inclined to condone the delay. Accordingly the delay of 772 days in filing the writ appeal is condoned and the petition is ordered. Registry is directed to number the appeal and post it for admission if the papers are otherwise in order.

10. Learned Additional Advocate General would submit that statutory notice has been ordered in the Contempt Petition No.3952 of 2025 and the present appeal is to be taken up for admission. This Court requests the writ Court not to proceed with the contempt petition till such time the appeal is taken up for hearing.

(S.M.S.,J.) (N.S.,J.)
09-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KST

S.M.SUBRAMANIAM J.
AND



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N.SENTHILKUMAR J.

KST

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