

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 34957/2022

(Arising out of impugned final judgment and order dated 13-03-2020 in WAMD No. 214/2018 and order dated 02-03-2022 in RAMD No. 40/2022 passed by the High Court Of Judicature At Madras At Madurai)

THE PRINCIPAL SECRETARY & ORS.

Petitioner(s)

VERSUS

K. LAKSHMANAN & ANR.

Respondent(s)

(IA No.186326/2022-CONDONATION OF DELAY IN FILING and IA No.186327/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.186328/2022-EXEMPTION FROM FILING O.T.)

Date : 09-12-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s)

Mr. D. Kumanan, AOR
Mr. Sheikh F. Kalia, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

We have expressed reservations in entertaining the petitions of the present nature filed by the Principal Secretary and other officers of the School Education Department of the Government of Tamil Nadu, seeking to question the just and well-considered orders passed by the Division Bench of the High Court, allowing pensionary rights to the respondent No. 1 and rejecting the review petition.

It is noticed that the respondent No. 1 was engaged as Sweeper-cum-Sanitary Worker as back as in the year 1992 on a consolidated pay of Rs. 105/- p.m. Later on, pursuant to the directions of the High Court in a writ petition filed by the respondent No. 1 bearing No. 12762 of 2010, his services were regularized with effect from 02.12.2002. He attained the age of superannuation on 30.06.2012. He applied for pension by taking into account 50% of his service before regularization. On being denied pension, the respondent No. 1 filed another writ petition bearing No. 10746 of 2015 wherein, by an order dated 05.01.2017, learned Single Judge of the High Court directed the present petitioners to sanction pensionary benefits by taking into account 50% of the service rendered by the respondent No. 1 from 01.12.1992 to 02.12.2002 alongwith his regular service from 02.12.2002 to 30.06.2012. Challenged by the present petitioners to the order so passed by the learned Single Judge came to be rejected by the Division Bench of the High Court by its impugned order dated 13.03.2020 with directions to the petitioners to disburse pensionary benefits to the respondent No. 1 within eight weeks. The baseless review petition filed by the present petitioners was also dismissed by the Division Bench of the High Court on 02.03.2022. Thus, in the

present case relating to pensionary benefits of the respondent No. 1, who had rendered his services as Sweeper-cum-Sanitary Worker and who superannuated on 30.06.2012, have gone through several stages of litigation including the writ petitions, intra-court appeal and even a review petition.

The present petition seeking special leave to appeal against the order passed by the Division Bench of High Court way back on 13.03.2020 in the intra-Court appeal is delayed by a period of 156 days (after exclusion of Covid-19 period). As noticed, the petitioners even filed a review petition, which was dismissed on 02.03.2022 and the petition seeking special leave to appeal against that order is also delayed by a period of 154 days.

The application seeking condonation of delay in filing special leave petitions is bereft of any cogent reason for such a delay. The only cause, as suggested by the petitioners, is that time was spent in obtaining legal opinion and then, in translation of certain documents. However, no sufficient cause is shown.

In the totality of the circumstances, we find absolutely no reason to condone the delay in filing the petitions and are inclined to dismiss the application seeking condonation of delay as also these petitions with

imposition of exemplary costs where, unnecessarily this matter relating to pensionary rights of a Sweeper-cum-Sanitary Worker is sought to be dragged in further litigation.

In view of the above, the application seeking condonation of delay is rejected and these petitions are dismissed with costs quantified at Rs.1,00,000/- (Rupees One lakh), to be deposited by the petitioners in the welfare fund of the Supreme Court Employees Welfare Association within four weeks from today.

Having regard to the circumstances, we also leave it open for the petitioners to recover the amount of costs from the persons/officers responsible for protracting this litigation and sanctioning such frivolous petitions without sufficient cause and without any justification.

All pending applications stand disposed of.

(MEENAKSHI KOHLI)
ASTT. REGISTRAR-cum-PS

(MONIKA DEY)
BRANCH OFFICER