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ITEM NO.27 COURT NO.7 SECTION XII

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

Petition(s) for Special Leave to Appeal (Civil)...../2012
CC 15211/2012

(From the judgement and order dated 17/02/2012 in WA No.110367/2011, of The HIGH COURT OF MADRAS)

STATE OF TAMIL NADU BY SECY. & ORS. Petitioner(s)

VERSUS

PON ELANGOVAN & ORS. Respondent(s)

With I.A.No.1 (appln(s) for c/delay in filing SLP)

Date: 12/08/2013 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s) Mr. P. Narasima,Sr.Adv.
Mr. B.Balaji,Adv.
Mr. R. Rakesh Sharma,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Heard.

By our order dated 11th September, 2012, we had directed the petitioners to file an affidavit explaining the following:

"1. Whether any inquiry has been conducted by the State Government to identify persons responsible for the delay in the filing of the appeal before the High Court; and

2. If inquiry has not been held, whether the State is ready to hold the inquiry to identify those responsible and to proceed against them in departmental action.

Pursuant to the above direction, an affidavit has been filed by Mr. Rajeev Ranjan, Principal Secretary to Government, Revenue Department, Chennai, pointing out that an inquiry conducted into the reasons and circumstances leading to the delay in filing of the letters patent appeal before the High Court has established that six officials were responsible for the said delay. Three out of the six named in the affidavit have already retired while the remaining three happens to be officers of the level of Special Tahsildar, Special Deputy Tahsildar (SSI) and Taluk Supply Officer respectively. The affidavit is blissfully silent as to the basis on which the Government have found those named in the affidavit to be responsible for the delay in filing of the letters patent appeal before the High Court.

In the ordinary course and as per the practice and procedure generally followed for filing such appeals it is the Government that takes a decision at the appropriate level. It is difficult to appreciate how the Government have identified six men in the Revenue Department as responsible for the delay in the filing of its appeal. We are, to say the least, totally dissatisfied with the affidavit and the explanation offered. We would, therefore, direct the Chief Secretary, Government of Tamil Nadu, to hold a preliminary inquiry and identify the officials

responsible at different levels for the delay in the filing of the appeal. This would include delay in the Administrative Department concerned and in the Department of Law, Government of Tamil Nadu. A report on the subject shall be filed by the Chief Secretary as expeditiously as possible but not later than two months from today.

Post after the needful is done.

(Mahabir Singh) Court Master	(Veena Khera) Court Master