

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A.No.755 of 2014

V.Jagannathan

...Appellant

vs.

1. The Secretary to Government,
Education Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009
2. The Director of Collegiate Education,
Chennai - 600 006.

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the Order dated 28.2.2014 in M.P.No.1 of 2014 in Review Application (SR) No.13242 of 2014 in W.P.No.36680 of 2006 on the file of this Court.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith, the High Court will be pleased to condone the delay of 8 days in filing the Review petition SR No. 13242 of 2014 sought to be presented against the order dated 22.08.2013 and made in W.P.No. 36680 of 2006 on the file of this court.

W.P.No.36680 of 2006:

Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of certiorarified mandamus to call for the records of the second respondent in L.Dis.No.31796/D2/04, dated 13.08.2004, and quash the same and consequently to direct the second respondent to re-fix the petitioner's pay in the scale of Rs.2200/-

for the post of Lecturer with effect from December, 1989, upto 31.12.1995 and in revised scale of Rs.8000-275-13500 to Rs.12000-420-18300 with effect from 01.01.1996 onwards with resultant payment of arrears and disburse the arrears till the petitioner reached the period of superannuation on 31.05.2005.

For appellant : Mr.S.Vinod Sathya Lazar
for Ms.AL.Ganthimathi

For respondents : Mr.N.Sakthivel, Govt. Advocate

JUDGMENT

(Judgment of the Court was made by SATISH K. AGNIHOTRI, J.)

Questioning the legality and validity of the original order dated 22.8.2013 passed in W.P.No.36680 of 2006, a writ appeal being W.A.No.2314 of 2013 was filed. A Division Bench of this Court, by judgment dated 4.12.2013, having considered all aspects of the matter, dismissed the appeal as not maintainable without granting liberty to the appellant to file review application. Thereafter, a review application was preferred in the month of February, 2014 with an application being M.P.No.1 of 2014 to condone the delay in filing the review application, which was taken up by the learned single Judge. The learned single Judge, while considering the said application on merits, lastly observed dismissal on account of bar of limitation by 8 days.

2. We heard the learned counsel for the appellant as well as the learned Government Advocate.

3. Learned single Judge, even in the review application, has considered the entire facts on merit while considering the delay. Even otherwise once the challenge to the original order dated 22.8.2013 passed by the Writ Court was not entertained by a Division Bench of this Court, judicial propriety and discipline require that the same order cannot be re-opened subsequently questioning the order passed in the review petition, which was dismissed, affirming the main order. Accordingly, the writ appeal is dismissed. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

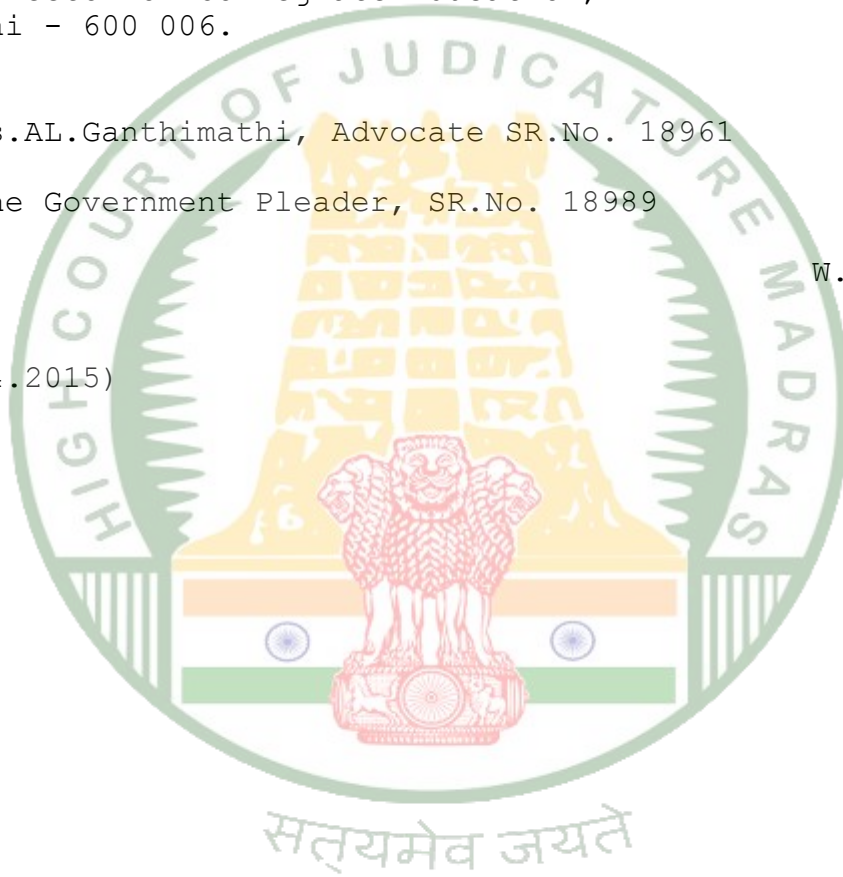
1. The Secretary to Government,
Education Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009
2. The Director of Collegiate Education,
Chennai - 600 006.

1 CC to Ms.AL.Ganthimathi, Advocate SR.No. 18961

1 CC to the Government Pleader, SR.No. 18989

W.A.No.755 of 2014

KJI (CO)
PSI (24.04.2015)



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