

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 26.08.2016

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

Review Application No.109 of 2016

in

WP.No.28968/2004

Pon Singh Mohan Ram

..

Petitioner

Versus

1.K.Kaliyannan

2.The Secretary to Government
Labour & Employment Department
Fort St George, Chennai-9.

3.The Chief Inspector of Factories
[Administrative & Inspection]
chepauk, Chennai-5.

4.The Principal Commissioner and
Commissioner of Revenue Administration
Chepauk, Chennai-5.

5.The Registrar
Tamil Nadu Administrative Tribunal
High Court Building, Chennai-104.

..

Respondents

Prayer:- Review application filed under Order 47 Rule 1 of CPC read with 114 CPC against the order dated 15.07.2008 made in WP.No.28698/2004.

For Petitioner : Mr.R.Abdur Rahman
For R1 : Mr.V.Ravikumar

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

By consent, the main review application is taken up for final disposal.

2 The 1st respondent had filed WP.No.28968/2004, challenging the order of the Tamil Nadu State Administrative Tribunal dated 15.04.2004 made in OA.No.277/2003 and consequently, directing the respondent therein to change the Date of Birth of the petitioner as "20.09.1960" in the Service Records. This Court, vide order dated 15.07.2008 has allowed the writ petition and as a consequence the Date of Birth of the writ petitioner came to be altered as "20.09.1960". The Review petitioner, aggrieved by the said alteration of the Date of Birth, came forward to file the review application, stating among other things, that if the original Date of Birth of the 1st respondent / writ petitioner is retained as 25.05.1959, he

might not get a chance to be promoted as Director of Industrial Safety and Health and if the Date of Birth is altered, he will continue to be promoted to the next post of the Director of Industrial Safety and Health in June 2017 and shall continue till 30.09.2018 as per the altered Date of Birth and the review petitioner's claim will be considered for promotion only after the 1st respondent retired from service on 01.10.2008 and he will retire from service on 31.03.2009 and therefore, the said period of service will be reduced to six months and thereby, causing irreparable hardship and damage to him and hence, prays for reviewing the order.

3 Heard the submissions of Mr.R.Abdur Rahman, learned counsel for the review petitioner ; and Mr.V.Ravikumar, learned counsel who accepts notice on behalf of the 1st respondent / writ petitioner.

4 In the considered opinion of the Court, the review petitioner cannot be considered as an aggrieved person for the reason that the 1st respondent / writ petitioner had made a request for change of Date of Birth within five years from the date of entry into his service and this Court has taken note of the relevant facts and circumstances and allowed the writ petition, vide order dated 15.07.2008. The only grievance expressed

by the review petitioner is that he might not be able to put a longer period of service. In the considered opinion of the Court, that cannot be a reason to test the legality of the order passed in WP.No.28968/2004 and the points urged by the learned counsel for the review petitioner are outside the scope of review jurisdiction and as such, lacks merit.

5 Therefore, the review application is dismissed. No costs.

[M.S.N., J] [T.S.S., J.]
26th August 2016

Index : No
Internet : Yes
AP

To

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M.SATHYANARAYANAN, J.,

AND

T.S.SIVAGNANAM, J.,

AP

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