

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2016

C O R A M

THE HONOURABLE MR.JUSTICE T.RAJA

Review Application No.112 of 2016 in
W.P.No.10941 of 2016

K.Muthusamy

... appellant

-Vs.-

1.Tamil Nadu Water Supply and Drainage Board,
Rep. By its Managing Director,
TWAD House,
No.31, Kamarajar Salai,
Chepauk, Chennai – 5.

2.State of Tamil Nadu,
Rep. By its Secretary,
Department of Municipal Administration and Water Supply,
Fort St. George,
Chennai – 600 009.

... Respondents

Prayer:- Review Applications filed under Order 47 Rule 1 read with Section 114 of the Code of Civil Procedure to review the order dated 23.03.2016, passed in W.P.No.10941 of 2016.

For Appellant

: Kandhan Duraisami

ORDER

This Review Application has been filed to review the order dated 23.03.2016, passed in W.P.No.10941 of 2016.

2. The applicant in this review application is the writ petitioner and the prayer in the writ petition is to quash the orders passed by the respondents imposing a punishment of stoppage of increment for one year without cumulative effect.

3. This Court, after hearing the counsel appearing on either side, has dismissed the writ petition by passing the following order:-

*“The above said contentions of the learned counsel for the petitioner do not find any merit. The petitioner, on receipt of the charge memo dated 20.09.2007, had submitted his explanations on 03.10.2007, wherein he had admitted that every month, on finalization of monthly accounts, he has to initiate action to send the water charges bills to all the beneficiaries and to send the statement to the Head Office before 5th of every month and on finalization of the same, he will have to initiate action to address the beneficiaries requesting them to settle the maintenance charges / water charges due to the TWARD Board. **In this connection,***

he took a plea in the above said explanation that he had contacted the authorities of the concerned local body / beneficiary over phone and thereby requested them to remit the maintenance charges / water charges due to the TWAD Board. It is not known how a Junior Accounts Officer can contact the authorities of the concerned local body / beneficiary over phone, instead of issuing action notice against them to pay the dues of water charges. When the explanation offered by the petitioner also failed to mention that he has sent official notices to the beneficiaries, the lame excuse of the petitioner that he had contacted the beneficiaries over phone for payment of water charges is absolutely unjustified and unacceptable.

Therefore, in my considered view, the disciplinary authority has rightly found him guilty of the charges and the same has also been rightly affirmed by the appellate authority, hence, the impugned order of punishment of stoppage of increment for one year without cumulative effect awarded to the petitioner cannot be found fault with.

Thus, for the reasons stated above, the writ petition fails and the same is dismissed. No Costs."

4. It is submitted by the learned counsel appearing for the review applicant/writ petitioner that the only ground on which the writ petition was

dismissed that the writ petitioner has contacted the local authorities only over phone without sending any notice to pay the water charges dues. Now, after the above said order dated 23.03.2016, to substantiate that he had sent communication to the authorities in writing, the writ petitioner filed an application under the RTI Act seeking a copy of the letter dated 03.08.2007 and thereupon, the respondent board has also furnished the same on 15.06.2007 to the writ petitioner. Based on the said letter obtained under the RTI Act after the order dated 23.03.2016 of this Court in dismissing his prayer, the writ petitioner has now filed a review application seeking to review the order passed by this Court in W.P.No.10941 of 2016, dated 23.03.2016.

5. In my view, the grounds raised in the Review Application is not a ground for reviewing the order passed by this Court, for the reason that only after the order passed by this Court dismissing the writ petition, the petitioner has filed an application under the RTI Act for obtaining certain information and thereafter, he has also received the information from the Board on 15.06.2007 indicating that the petitioner has demanded water charges from the District Collector, Namakkal, during the month of July-August, 2007. Based on such information, now, by way of filing review application, the petitioner cannot seek to modify the order passed by this Court in writ petition, especially when he did not produce/raise any such document/plea either before the Disciplinary

Authority or the Original Authority or the Appellate Authority, while the said authorities concurrently found him guilty of the charges levelled against him.

6. It is settled legal position that the Review Court does not sit in appeal over its own order and rehearing of the matter is impermissible in law, as review is not an appeal in disguise. The power of review can be exercised for correction of a mistake, but not to substitute a view and such power can be exercised within the limits of the statute dealing with exercise of power. Therefore, in the absence of any error apparent on the face of the record, this Court is not inclined to review the order passed by this Court. In such view of the matter, the Review Application stands dismissed. No Costs.

17.10.2016

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To

- 1.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
TWAD House,
No.31, Kamarajar Salai,
Chepauk, Chennai – 5.
- 2.The Secretary,
Department of Municipal Administration and Water Supply,
Fort St. George,
Chennai – 600 009.

T.RAJA, J.,

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