

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.A.No.1119 of 2017

and

C.M.P.Nos.15599 and 22204 of 2017

N.Selvatharasu

...

Appellant

-vs-

The Superintending Engineer
CEDC / South II / TANGEDCO,
K.K.Nagar,
Chennai-600 078.

..

Respondent

Appeal filed under Clause 15 of the Letters Patent, against the order passed by this Court in Review Aplw.No.127 of 2017 in W.P.No.13134 of 2017 dated 21.07.2017.

WP.NO.13134/2017:

WP.13134/17 filed under Article 22;6 of the Constitution of India seeking for a Writ of Certiorarified Mandamus to call for the records on the file of the respondent relating to the order in Memo No. 379/0818/Adm.1/A1/F.DV & AC/SCN/2006-4 dt 19.4.2017 to quash the same and issue consequential directions to the respondent to permit the petitioner to retire from service on 30.6.2014 with all benefits and to initiate action against the petitioner under pension rules subject to the outcome of the judgment in Criminal Appeal No. 853/2016 on the file of this court.

For Appellant :: Mr.Ali Hassan Khan

for Mr.M.Sasi Kumar

For Respondent :: M/s.R.Varalakshmi

JUDGMENT

(Judgment of the Court was delivered by
HULUVADI G.RAMESH, J.)

This writ appeal has been filed against the order passed by this Court in Review Aplw.No.127 of 2017 in W.P.No.13134 of 2017 dated 21.07.2017, wherein this Court recorded the submission made by the learned counsel for the applicant / appellant herein that the applicant will file a reply / representation to the communication dated 19.04.2017 which was impugned in the writ petition in W.P.No.13134 of 2017 within a period of two weeks and disposed of the review application. Thereafter, the time for filing reply to the said communication was extended for a period of two weeks, by order dated 18.08.2017.

2.Now the appellant has come up with this appeal against the order passed in the review application, raising certain grounds as regards the merits of the case in the writ petition.

3.We have heard the learned counsel on either side and perused the materials available on record.

4.It appears that in the order passed by this Court in W.P.No.13134 of 2017 dated 24.05.2017, the appellant herein / writ petitioner was directed to file his reply / representation to the communication dated 19.04.2017, which was impugned in the writ petition within a period of four weeks from the date of receipt of a copy of the order and on receipt of the same, the respondent was directed to consider and pass appropriate orders on merits and in accordance with law within a period of four weeks thereafter. Thereafter, a review application was filed in Rev.Aplw.No.127 of 2017 and this Court disposed of the same on 21.07.2017 after recording the submission made by the learned counsel for the applicant / appellant herein that the applicant will file a reply / representation to the said communication dated 19.04.2017, within a period of two weeks. Thereafter, time for submitting the representation was extended for a period of two weeks by order dated 18.08.2017. Now the present writ appeal has been filed against the order passed in the review application, raising certain grounds as regards the merits of the case in the writ petition. Having accepted before this Court to file reply to the communication of the respondent dated 19.04.2017 and having obtained a further time of two weeks for filing such reply, the appellant should have complied with the directions of this Court at this point of time. Instead, he has come up with the present writ appeal challenging the order passed in the review application, which in the considered opinion of this Court, is not permissible.

5.In the above stated circumstances, the writ appeal does not survive for consideration and accordingly the same is dismissed. Consequently the connected miscellaneous petitions are closed. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

KM

To

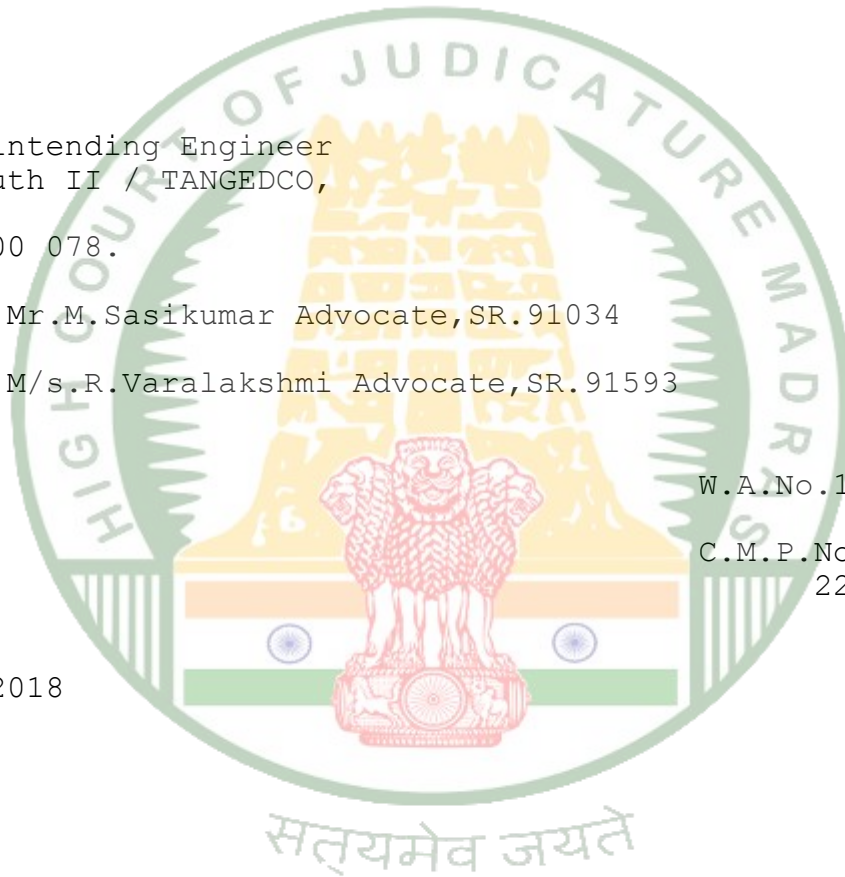
The Superintending Engineer
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+ 1 cc to Mr.M.Sasikumar Advocate,SR.91034

+ 1 cc to M/s.R.Varalakshmi Advocate,SR.91593

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