

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.07.2017

Coram

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM
and
THE HON'BLE Mr.JUSTICE R.SUBRAMANIAN

Rev.Aplw.No.104 of 2017
in W.A.No.766 of 2010

T.Rajan

... Petitioner

Vs

1.The State of Tamilnadu
Rep., by its Special Commissioner and
Secretary to Government,
Animal Husbandry, Dairying and Fisheries Dept.,
Secretariat, Chennai -9.

2.The Director of Veterinary Services,
O/O of the Directorate of Veterinary Services,
Central Office Building,
Chennai -6.

... Respondents

Prayer:-Review Application filed under Order 47 Rule 1 read with Section 114 of CPC, to review the order, dated 19.10.2010 in W.A.No.766 of 2010, on the file of this Court.

For Applicant ..Mr.G.Elanchezhiyan

For Respondents ..Mr.P.Sanjay Gandhi AGP for RR1&2

ORDER

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

This Review Application has been filed to review the judgment in W.A.No.766 of 2010, dated 19.10.2010. The appeal was filed by the respondent State against the order in W.P.No.20456 of 2008, dated 06.02.2009, filed by the Review Petitioner for regularisation of his services from the date of completion of five years of service after his appointment as casual labourer from 14.12.1997. The Division Bench considered the case of both parties and by the judgment, dated 19.10.2010, allowed the Writ Appeal and dismissed the Writ Petition.

2. The learned counsel appearing for the Review Petitioner has raised two grounds in the Review Application, firstly on the ground that the Division Bench ought not to have dismissed the appeal on the ground of delay and laches; and secondly the Division Bench ought to have considered the applicability of G.O.Ms.No.12, to the case of the Review Petitioner. So far as the first aspect is concerned, even as per the stand taken in the grounds of review, the request for retrospective regularisation, was rejected by the Director Animal Husbandry, by order dated

05.10.2001. The petitioner did not take any steps to challenge the order, but stated to have been given a representation to the very same authority on 05.04.2003, i.e., after a lapse of nearly three years. Subsequently, the petitioner did not take effective steps and is stated to have given a representation on 11.07.2005, to the very same authority. Alleging that there was no response, the petitioner is said to have submitted a representation to the Government on 26.03.2007 and thereafter, approached this Court by filing W.P.No.22948/2007, praying for issue of a Writ of Mandamus to consider the representation and pass orders. The said Writ Petition was disposed of issuing directions and the respondent rejected the petitioner's representation, by order dated 04.02.2008. Thereafter, the petitioner filed Writ Petition in W.P.No.20456 of 2009, which Writ Petition was allowed, as against which, the respondent preferred W.A.No.766 of 2010. While allowing the appeal filed by the Government, the Division Bench took note of the conduct of the petitioner in having agitated the claim after 13 years after accepting the order of regularisation passed in his favour. Furthermore, The petitioner has no vested right to seek for retrospective regularisation.

3. Therefore, this Court has dealt with the matter and assigned reasons as to why the petitioner is not entitled to the relief and the present Review Application, if entertained, would amount to rehearing the appeal.

4. The second ground raised by the petitioner is with regard to the G.O.Ms.No.12. This contention was also considered by the Division Bench and reasons have been assigned in paragraph 12 of the judgment. Therefore, this ground cannot be allowed to be re-agitated. Above all, the settled legal principle is that the Review Application is not an appeal in disguise.

Thus, for all the above reasons, no grounds have been made out to entertain the Review Application and the same is dismissed. No costs.

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(T.S.S.,J.) (R.S.M., J.)
14.07.2017

abr/pbn

To

- 1.The State of Tamilnadu
Rep., by its Special Commissioner and
Secretary to Government,
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- 2.The Director of Veterinary Services,
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