

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.08.2017

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THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

REV.A.No.25 of 2017
in
W.P.No.18580 of 2016

G.Arunachalam

... Petitioner

Vs.

- 1.Union of India,
Rep. by the Postmaster General,
Central Zone,
Tiruchirappallai-620 001.
 - 2.The Senior Superintendent of Post Offices,
Virudhachalam Division,
Virudhachalam,
Virudhachalam District.
 - 3.The Assistant Superintendent of Post Officers,
Kallakurichi West Sub-Division,
Kallakurichi,
Virudhachalam District.
 - 4.The Registrar,
Central Administrative Tribunal,
Chennai-600 104.
- . Respondents

Prayer: Review petition is filed under Order 47 Rule 1 r/w. Section

114 of Civil Procedure Code to review the order dated 02.01.2017 made in W.P.No.18580 of 2016 on the file of this Court.

For Petitioner : Mr.R.Malaichamy
For RR1 to 3 : Mr.C.V.Ramachandramurthy

ORDER

(Order of the Court was made by V.PARTHIBAN.J.,)

The present Review Petition has been filed by the writ petitioner, seeking review of the order passed by this Court on 02.01.2017 in W.P.No.18580 of 2016.

2.This Court, while considering the submissions made by the learned counsel appearing for the petitioner, had taken a conscious decision and dismissed the writ petition thereby by confirming the order passed by the learned Central Administrative Tribunal. The learned Central Administrative Tribunal, while dealing with the Original Application in O.A.No.1489 of 2011 and M.A.No.811 of 2011 filed before Madras Bench of Central Administrative Tribunal, Madras for condonation of delay of 329 days in filing the original application, was of the view that there was no proper explanation for the delay and therefore, dismissed the miscellaneous application seeking condonation

of the delay. However, the learned Central Administrative Tribunal had also dealt with the original application on merits and held that the petitioner was not entitled for the relief as prayed for in the original application. The said order dated 31.07.2014 passed by the learned Central Administrative Tribunal is under challenge before this Court.

3.This Court, after advertng to the submissions made by the learned counsel and after perusing the relevant materials and pleadings placed on record, finally held that there was no infirmity in the order passed by the learned Tribunal and the writ petition lacks merit and substance and dismissed the same.

4.This Court, while dismissing the writ petition, has consistently held that the petitioner was not entitled to salary for the period when he was not put off duty in view of the fact that ultimately the disciplinary proceedings has been initiated which ended in punishment of censure, the present review is sought to be filed by the writ petitioner, who was the applicant before the learned Central Administrative Tribunal, on the ground that the Tribunal misconstrued the provisions of Rule 12 of GDS (C&E) 2011, by resorting to incorrect mode. In the grounds raised in support of the writ petition, nowhere, it

is stated as to what was the error committed by this Court which is apparent on the face of record warranting review of the matter passed by us.

5. When the matter is heard, an attempt has been made by the learned counsel to re-argue the matter, which is not permissible for hearing the review petition unless there is an error committed by us while passing an order in the writ petition. Even from the grounds, this Court is unable to find any error in the order passed by us and the review petition is filed as a pretext to re-argue the matter.

6. In the above circumstances, this Court finds no merit in the review petition and it is only an attempt to reopen the case without any valid grounds and therefore, the review petition is liable to be rejected and hence the same is rejected. No costs.

सत्यमेव जयते

WEB COPY (K.K.S.,J.) (V.P.N., J.)
18.08.2017

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Index: Yes/No
Internet: Yes/No

To

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K.K.SASIDHARAN.J.,

&

V.PARTHIBAN. J.

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