

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :: 18.8.2017

Delivered on :: 23.11.2017

CORAM:

THE HONOURABLE MR. **JUSTICE K.K.SASIDHARAN**

and

THE HONOURABLE MR. **JUSTICE M.V.MURALIDARAN**

Review Application (Writ) No.120 OF 2016

- 1 THE DESK OFFICER (VIGILANCE PETITION) OFFICE OF THE DIRECTOR GENERAL DEPARTMENT OF POSTS NEW DELHI-1
 - 2 UNION OF INDIA
REP.BY THE MEMBERS (PERSONAL) POSTAL SERVICES BOARD DEPARTMENT OF POSTS NEW DELHI-1
 - 3 THE CHIEF POST MASTER GENERAL TAMILNADU POSTAL CIRCLE CHENNAI-2
 - 4 THE POST MASTER GENERAL CENTRAL REGION (TN) TRICHIRAPALLI 620001
 - 5 THE DIRECTOR OF POSTAL SERVICE O/O. THE POST MASTER GENERAL CENTRAL REGION (TN) TRICHIRAPALLI 620 001
 - 6 THE SENIOR SUPERINTENDENT OF POST OFFICES TRICHIRAPALLI DIVISION TRICHIRAPALLY 620 001
- ... petitioners
- Vs

- 1 R.DHAKSHINAMURTHY
- 2 THE REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL HIGH COURT CAMPUS CHENNAI-104

No.28462 of 2013 dated 11.03.2015 and to allow this Review Application.

For petitioners : Mr.V.P.Sengottuvel, SCGSC

For respondents : Mr.R.Malaichamy,
for 1st respondent

ORDER

K.K.SASIDHARAN, J.

The respondents 1 to 6 in W.P.No.28462 of 2013 have filed this petition to review the order dated 11 March 2015 in W.P.No.28462 of 2013.

2. The order passed by the Reviewing Authority dated 30 October 2003, reviewing the matter suo motu, under Rule 29 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, and quashing the same was challenged by the first respondent in O.A.No.40 of 2010. The original application was dismissed. The related Writ Petition filed by the first respondent was allowed by the Division Bench by order dated 11 March 2015.

3. The review petition is filed on the ground that the unamended Rule 11 (vi) of Central Civil Services (Classification, Control and Appeal) Rules, 1965, as it stood prior to the amendment in 2010 would alone apply to the facts on hand and as such, the Division Bench was not correct in its finding that there is a variation between 11(vi) and the administrative instructions issued by the Government of India.

4. We have heard the learned counsel for the petitioners. We have also heard the learned counsel for the first respondent.

5. The contentions taken by the petitioners in the review application has already been considered by the Division Bench. The Division Bench rejected the submissions made on behalf of the petitioners herein with regard to the applicability of Rule 11(vi) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The attempt now is to reagitate the very same issue under the guise of exercising review jurisdiction. None of the grounds taken by the petitioners would come within the meaning of Order 47 Rule (1) of CPC. We are therefore of the view that the petitioners have not made out a case for review of the order dated 11 March 2015 in W.P.No.28462 of 2013.

6. In the upshot, we dismiss the review petition. No costs.

(K.K.SASIDHARAN, J.)

(M.V.MURALIDARAN, J.)

23.11.2017

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K.K.SASIDHARAN, J.

and

M.V.MURALIDARAN, J.



P.D. Order in

Review Appl (Writ) No.120/2016

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