

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 12.04.2017

CORAM:

THE HONOURABLE **MR.JUSTICE K.K.SASIDHARAN**
and
THE HONOURABLE **MR.JUSTICE M.V.MURALIDARAN**

Review Application No.155 of 2016 in
W.P.No.16387 of 2011 and
WMP No.33589 of 2016

C.Palaniappan

... Petitioner

Vs.

1. The Director,
Pasteur Institute of India,
Coonoor 643 103,
Nilgiris District.
2. Union of India rep. by its Secretary,
Ministry of Health and Family Welfare,
Nirman Bhavan, New Delhi.

3. Dr A Premkumar

... Respondents

Review Application filed under Order 47 Rule 1 read with Section 114 of C.P.C., to review the order dated 11.10.2012 in W.P.No.16387 of 2011.

For Petitioner : Mr.V.Parthiban

For Respondents : Mr.R.Krishna Prasad for
M/s.Sarvabhauman Associates
for R1 and R2

ORDER**K.K.SASIDHARAN,J.**

This review application is filed by the second respondent in W.P.No.16387 of 2011, to review the order dismissing the writ petition filed by the Director, Pasteur Institute of India and the Union of India, represented by Ministry of Health and Family Welfare.

2. We have heard the learned counsel for the petitioner. We have also heard the learned counsel for respondents 1 and 2.

3. The third respondent in this review application filed O.A.No.1073 of 2009 before the Central Administrative Tribunal, to set aside the order dated 12 October, 2009 and direct the respondents 1 and 2 herein to appoint him as Senior Research Officer. The Original Application was allowed by the Tribunal, by order dated 25 October 2010. The order was challenged by the Management in W.P.No.16387 of 2011. The petitioner was very much a party to the said writ petition. The petitioner failed to appear before the writ court.

4. The Division Bench, by order, dated 11 October, 2012, dismissed the writ petition. While dismissing the writ petition, the Division Bench made it very clear that the aggrieved party has not

chosen to assail the correctness of the order passed by the Tribunal. Even then, the petitioner failed to challenge the order passed by the Tribunal before this Court.

5. The petitioner has come up with this review application to review the order dated 11 October, 2012 in W.P.No.16387 of 2011. There is no question of entertaining the review application at the instance of a party, against whom, the order passed by the Tribunal in O.A.No.1073 of 2009 has become final. The petitioner never assailed the order dated 25 October, 2010 in O.A.No.1073 of 2009. It was only the respondents 1 and 2 challenged the order in O.A.No.1073 of 2009 before the High Court. The petitioner accepted the order passed by the Tribunal. It is a matter of record that even in W.P.No.16387 of 2011, the petitioner was not represented. The petitioner suffered an order in O.A.No.1073 of 2009. The said order has become final in so far as the petitioner is concerned. The fact that the writ petition filed by the respondents 1 and 2 was dismissed by the High Court would not give a right to the petitioner to agitate the issue once again, notwithstanding his failure to challenge the order dated 25 October, 2010 in O.A.No.1073 of 2009. We are therefore of the view that the review application at the instance of the petitioner is not maintainable.

K.K.SASIDHARAN.,J.

and

M.V.MURALIDARAN.,J.

(svki)

6. In the up shot, we dismiss the review application. No costs.
Consequently, connected miscellaneous petition is closed.

(K.K.SASIDHARAN.,J.) (M.V.MURALIDARAN.,J.)
12 April 2017

Index : Yes/No

svki

To

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Nilgiris District.
2. The Secretary,
Union of India,
Ministry of Health and Family Welfare,
Nirman Bhavan, New Delhi.

Rev.Application No.155 of 2016

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