



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

WP.(MD) No.4464 of 2017

T.Thanka Christy

... Petitioner

-vs-

The Registrar General,
High Court of Judicature,
Madras.

... Respondents

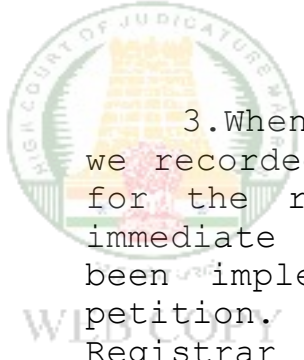
PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus, to direct the respondent to dispose the petitioner's Review Application dated 15.04.2015 in R.O.C.No.458/2011/C1 dated 10.02.2015 to grant promotion to the petitioner as Grade II Bench Clerk with effect from 01.12.2009 similarly promoted the petitioner's juniors and placed the petitioner's name between the petitioner's immediate senior Tmt.Mariya Alangaram and the petitioner's immediate junior Mr.M.Chinnakani based on Consolidated Seniority List of the Members of the Civil and Criminal Units of the Superior Service of Kanniyakumari District as on 01.07.2009 along with all other consequential monetary benefits within a specific period that may be fixed by this Court.

For Petitioner	:	Mr.S.Sivakumar
For Respondent	:	Mr.N.Mohideen Basha

O R D E R

Heard Mr.S.Sivakumar, learned counsel for the petitioner and Mr.N.Mohideen Basha, learned counsel for the respondent/Registrar General, High Court, Madras.

2.The petitioner seeks for a direction upon the respondent to dispose of the review application dated 15.04.2015 and consequently, grant promotion to her as Grade II Bench Clerk with effect from 01.12.2009.



3. When the case came up for admission before us on 16.03.2017, we recorded the objections raised by the learned standing counsel for the respondent that the petitioner has not impleaded her immediate junior/senior. Even today, her junior/senior are not been impleaded by the petitioner as respondent in this writ petition. The respondent has given written instructions to the Registrar (Administration), Madurai Bench, vide communication dated 28.03.2017 pointing out that the review application has been submitted only on 07.10.2015, after a lapse of seven months and in terms of Rule 20(1) of Tamil Nadu Civil Services (Discipline & Appeal), Rules, a review application has to be filed within a period of two months from the date on which, the order is communicated to the petitioner.

4. The petitioner's case is that the review application was submitted along with the annexure through proper channel on 15.04.2015. The proper channel being through the Subordinate Judge, Padmanabhapuram, who in turn has forwarded it to the District Judge, Kanyakumari District vide letter dated 29.09.2015. In our considered view, the review application need not be rejected on the ground of the delay, When the petitioner's case is that the review application was sent through proper channel on 15.04.2015. Therefore, the time taken by the hierarchy authorities to forward the review application to the respondent should be excluded. However, we make it clear that the non impleading of the immediate junior/senior, who are likely to be aggrieved is a matter to be considered by the respondent, while taking note of the review application.

5. For the above reasons, we direct the respondent to consider the review application filed by the petitioner on merits and in accordance with law and pass a speaking order and communicate the same to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

6. This writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CSII)

/True Copy/

Sub-Assistant Registrar

To:

The Registrar General, High Court of Judicature,
Madras.

+One cc to Mr. S. Sivakumar, Advocate, SR.No.18876

Arul

RL/3C/2P/MR/SAR2/27.4.2017

W.P (MD) No.4464 of 2017

03.04.2017