



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

Review Application (MD) Nos.99 and 100 of 2017
and
CMP (MD)Nos. 3650 and 3651 of 2017

Rev.Aplc.No. 99 of 2017

1. The Director of Social Welfare,
Chepauk, Chennai.
 2. The District Social Welfare Officer,
Theni District, Theni.
- : Petitioners/Appellants

Vs.

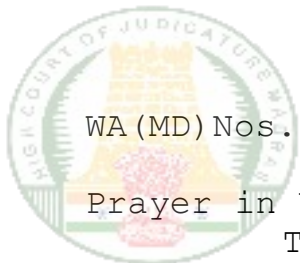
J. Meerabai : Respondent/Respondent

Rev.Aplc.No. 100 of 2017

1. The Director
Social Welfare Department,
Chepauk, Chennai.
 2. The District Social Welfare Officer,
Karur.
 3. The Commissioner,
Thanthoni Panchayat Union,
Karur.
 4. The Secretary,
Board of Secondary Education,
College Road,
Chennai.
- : Petitioners/Appellants

Vs.

Ponnuthai : Respondent/Respondent



WA(MD) Nos. 1380 and 756 of 2013 respectively.

Prayer in WA(MD). 1380/ 2013 :

To present this Memorandum of Grounds of Writ Appeal to this Honourable Court against the Order dated 29.09.2010 made in W.P.(MD)No.7106 of 2008 on the file of High Court Judicature, Madurai Bench of the Honourable High Court of Madras.

Prayer in WA(MD). 756/ 2013 :

To present this Memorandum of Grounds of Writ Appeal to the Honourable Court against the order passed dated 01.10.2012 made in W.P.(MD)No.3023 of 2011 on the file of this Honourable Court.

Prayer in WP(MD). 7106/ 2008 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned order of Removed from service dated 31/01/2008 passed by the 1st respondnet in his proceedigns Proc. No. 5968/admn 5-3/2007 and the same was served through the 2nd respondent in his proceedings Me.Mu. No. 1144/A1/07 dated 11/02/2008 and quash the same as illegal and directing the respondents to allow me to retire from service and to pay the consequential benefits.

Prayer in WP(MD). 3023/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue an order or direction in the nature of a Writ of Certiorarified Mandamus to call for the records of the 1st Respondent by his proceeding in Na.Ka.No.52784/Nir 5 - 3 / 2003 dated 24.08.2007 and quash the same and direct the 1st Respondent to consider that this petitioner had deem to have retired from 29.02.2008 and pay all terminal benefits.

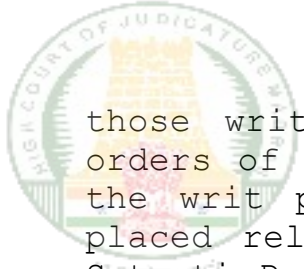
For petitioner in : Mr.V. Muruganandham
both petitions Additional Government Pleader

COMMON ORDER

[ORDER of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.V. Muruganandham, learned Additional Government Pleader appearing for the petitioners.

2.The review applications have been filed to review the common judgment in W.A.(MD) Nos.1380 and 756 of 2013. The writ appeals were preferred by the review petitioners against the orders passed in W.P.(MD) Nos.7106 of 2008 and 3023 of 2011 respectively. In



those writ petitions, the respective respondents challenged the orders of removal from service. The learned single Judge allowed the writ petitions and set aside the order and while doing so, placed reliance on the decision of the Hon'ble Supreme Court in *Satwati Deswal Vs State of Haryana*, reported in 2010 (1) SCC 126 and held that the respondents have protection under Article 311 (2) of the Constitution of India before any punishment of removal is imposed on them. Since, the basic principles of natural justice are violated, the impugned orders of dismissal were set aside and it was observed that the Government cannot wake up to the situation after 13 years for the promotion of the respondents at the at the fag end of their services. Therefore, no further direction was issued to conduct enquiry and all the terminal benefits payable them were directed to be released. The Division Bench considered the correctness of the order and assigned independent reasons and dismissed the appeals. The only ground on which the review applications have been filed is that in terms of Rule, the respondents ought to have preferred appeal against the final order and the appeals which were preferred were forwarded to the Government for passing appropriate orders and without waiting for the outcome of the appeals, the writ petitions were filed. The ground raised by the petitioners is not a ground for review of the judgment passed by the Division Bench. It is a settled legal principle that review is not an appeal in this case. The petitioners have failed to point out any error, which is apparent on the face of the judgment passed by the Division Bench. Therefore, there are no grounds made out to review the judgment passed in W.A.(MD) Nos. 1380 and 756 of 2013 respectively.

3. Accordingly, the review applications are dismissed. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Director of Social Welfare,
Chepauk, Chennai.

2. The District Social Welfare Officer,
Tirunelveli District, Theni.



3. The District Social Welfare Officer,
Karur.

4. The Commissioner,
Thanthoni Panchayat Union,
Karur.

5. The Secretary,
Board of Secondary Education,
College Road,
Chennai.

ARUL/DSK

TE/JC/SAR-IV : 27/04/2017 : 4P/6C

ORDER MADE IN
Review Application (MD) Nos.99 and 100 of 2017
and
CMP (MD)Nos. 3650 and 3651 of 2017
13.04.2017