

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2019

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

Review Application No.315 of 2018
in Writ Appeal No.1245 of 2018

G.Kamala .. Applicant/1stRespondent/
Writ Petitioner

-vs-

1.The Government of Tamil Nadu,
Rep., by the Deputy Secretary to Government,
Transport Department,
Fort St. George, Chennai-600 009.

2.Tamil Nadu State Transportation
Corporation (Villupuram) Ltd.,
Rep., by the Managing Director,
No.3/137, Salamedu,
Valudha Reddy Post, Villupuram-605 602.

3.Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Rep., by the General Manager,
Kancheepuram Regional Office,
Karapettai, Bangalore Highway,
Kancheepuram-631 552.

.. Respondents/Appellants/
Respondents 1 to 3

4.The Commissioner,,
Employees Provident Fund,
Regional Office,
No.20, Rayapetta High Road,
Chennai-600 014.

.. Respondent/2nd Respondent/
4th Respondent

Review Application filed under Order 47 Rule 1 read with
Section 114 of Civil Procedure Code, 1908 to review the judgment
dated 06.09.2018 made in W.A.No.1245 of 2018 on the file of this
Court.

Writ Appeal filed under Clause 15 of the Letter patent against the order dated 24.04.2018 made in W.P.No.534 of 2017.

Prayer in W.P.No.534 of 2017:Petition filed under article 226 of the Constitution of India praying to issue Writ of Certiorari to call for the records relating to the impugned order dt 26.7.2016 passed in letter No.7487/RW1/2016-3 Transport (RW1) Department on the file of the 1st respondent herein and the impugned order dt 14.7.2016 passed in Lr. No. 3776/Sa.Pa.12/TNSTC (V)/KPM/2015 on the file of the 3rd respondent herein and quash the same as they are related to the denial of family pension to this petitioner and direct the respondents to provide reliefs and pay the amounts due to the petitioner in the light of the judgment dt 4.8.2010 in W.P. (MD) No.3838/2008 and also as per the Madras Liberalized Pension Rules 1960 in accordance with the order issued in G.O. (Ms) No.189 Transport (RW1) Department dt 13.8.2004 including the arrears with interest at the rate of 12 % per annum payable from 30/01/1994 within the time that may stipulation by this Court.

For Applicant : Mr.K.Selvaraj

For Respondents : M/s.Rajini Ramadoss,
Standing Counsel
for Transport Corporation

ORDER

(Order of the Court was made by T.S.Sivagnanam, J.)

Heard Mr.K.Selvaraj, learned counsel appearing for the applicant; and M/s.Rajini Ramadoss, learned Standing Counsel for the respondent-Transport Corporation.

2.We have elaborately heard the learned counsel on either side and given our anxious consideration to the points canvassed before us. At the very outset, we need to point out that the contentions advanced before us by Mr.K.Selvaraj have not been advanced when the writ appeal was heard by the Hon'ble Division Bench. It appears that a different counsel had appeared for the applicant/1st respondent before the Division Bench.

3.We have perused the grounds raised by the applicant and we find that those grounds were never canvassed before the Division Bench and on the grounds which are raised before us, we

cannot review the decision of the Hon'ble Division Bench and if done, it would amount to re-writing the judgment of the Hon'ble Division Bench, which is impermissible in exercise of review jurisdiction.

4.Thus, for the above reasons, we find that the applicant has not made out any case for review of the judgment and order passed by the Division Bench.

5.Accordingly, the review application fails and is dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

- 1.The Deputy Secretary to Government,
The Government of Tamil Nadu,
Transport Department,
Fort St. George, Chennai-600 009.
- 2.The Managing Director,
Tamil Nadu State Transportation
Corporation (Villupuram) Ltd.,
No.3/137, Salamedu,
Valudha Reddy Post, Villupuram-605 602.
- 3.The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Kancheepuram Regional Office,
Karapettai, Bangalore Highway,
Kancheepuram-631 552.
- 4.The Commissioner,,
Employees Provident Fund,
Regional Office,
No.20, Rayapetta High Road, Chennai-600 014.

+2 cc to Mr.K.Selvaraj, Advocate Sr.36726
+1cc to M/S.S.Rajeni Ramadass, Advocate Sr.37774

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srg 11/06/2019