

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE V.PARTHIBAN

CMP.No.13602 of 2017
and Rev.Appln.No.62817 of 2017

1.The Secretary to Government,
Revenue Department,
Fort St. George,
Chennai – 600 009.

2.The Additional Chief Secretary/
Commissioner of Revenue Administration,
Chepauk,
Chennai – 600 005.

3.The District Collector,
Krishnagiri.

4.The District Revenue Officer,
Krishnagiri.

... Petitioners/
Applicants

vs.

S.Samraj

... Respondent/
Respondent

Miscellaneous Petition filed under Section 5 of the Limitation
Act, to condone the delay of 223 days in filing the Review Application.

Review Application filed under Order 47 Rules 1 and 2 r/w Section 114 of the Civil Procedure Code, against the order dated 29.11.2016 passed by a learned Single Judge in WA.No.1546 of 2014.

For Petitioners/
Applicants : Mr.P.S.Siva Shanmuga Sundaram, SGP

ORDER

(Order of this Court was made by HULUVADI G. RAMESH, J.)

Heard the learned Special Government Pleader appearing for the petitioners/applicants and perused the materials placed before this Court.

2.For the sake of convenience, the parties are referred to, as per their rank in W.A.No.1546 of 2014.

3.Feeing aggrieved by the judgment dated 29.11.2016, passed in W.A.No.1546 of 2014, the appellants have come up with the present Review Application, with a delay of 223 days in filing the same. By the judgment sought to be reviewed, the writ appeal filed by the appellants was dismissed by confirming the order passed by the learned Single Judge, directing the appellants to promote the

respondent to the post of Deputy Tahsildar from the date on which his immediate junior was promoted, with all consequential benefits.

4. According to the appellants, the respondent had not acquired the requisite qualification of having worked as Assistant for two years or as Revenue Inspector on the crucial date for drawal of panel for promotion to the post of Deputy Tahsildar i.e., on 15.4.2009 and hence, his name was not included in the panel, whereas, according to the respondent, he was not given promotion as Junior Assistant and Assistant on time, though he became eligible, but he was overlooked and his juniors were given promotion. It is the further case of the respondent that on the crucial date, he had completed more than 4 years of service in the cadre of Assistant and non-working in the cadre of the Revenue Inspector was not his fault.

5. Considering the rival claims, the learned Single Judge allowed the writ petition by concluding that for the purpose of promoting the respondent to the post of Deputy Tahsildar, it should be considered that he was eligible for being included in the panel drawn for the year 2009, for which, the crucial date was 15.4.2009; for the default or fault committed by the department, the respondent cannot

be allowed to suffer; subsequent to 2009, he had also worked as Revenue Inspector for two years; and hence, he should be included in the panel for the year 2009 for the post of Deputy Tahsildar and he should be given promotion with effect from the date on which his immediate junior was promoted so.

6.Challenging the aforesaid order of the learned Single Judge, the appellants have filed WA.No.1546 of 2014, raising the same grounds as were put forth in the writ petition. This Court, taking note of the submissions advanced on either side and after having gone through the materials on record, dismissed the writ appeal, vide judgment dated 29.11.2016, against which, the present Review Application came to be filed by the appellants, along with an application to condone the delay of 223 days in filing the same.

7.It is well settled that the Court can review its order/decision on the discovery of new or important matter or evidence which the applicant could not produce at the time of initial decision despite exercise of due diligence, or the same was not within his knowledge or if it is shown that the order sought to be reviewed suffers from some

mistake or error apparent on the face of the record or there exists some other reason.

8. In this Review Application, the appellants made a feeble attempt to impress upon this Court to reconsider the judgment passed in WA.No.1546 of 2014, which was disposed of in the substantive proceeding, for which, they are expected and supposed to make out proper grounds. Otherwise, every disappointed litigant may avenge his defeat by a routine review adventure and thus obstruct the disposal waiting in serpentine queue for preliminary screening or careful final hearing. In the case on hand, the appellants have not made out any new ground and they substantially raised the same grounds as were put forth in the writ petition as well as in the writ appeal.

9. This Court is of the view that the mere repetition of old and overruled arguments and a second trip over ineffectually covered ground or minor mistakes of inconsequential import, are obviously insufficient to review the well considered judgment passed by this Court. Thus, considering the fact that the merits of the controversy have already been examined by this Court and in view of the ordinary

scope of the power of review, the re-examination sought cannot proceed beyond the controversy already disposed of.

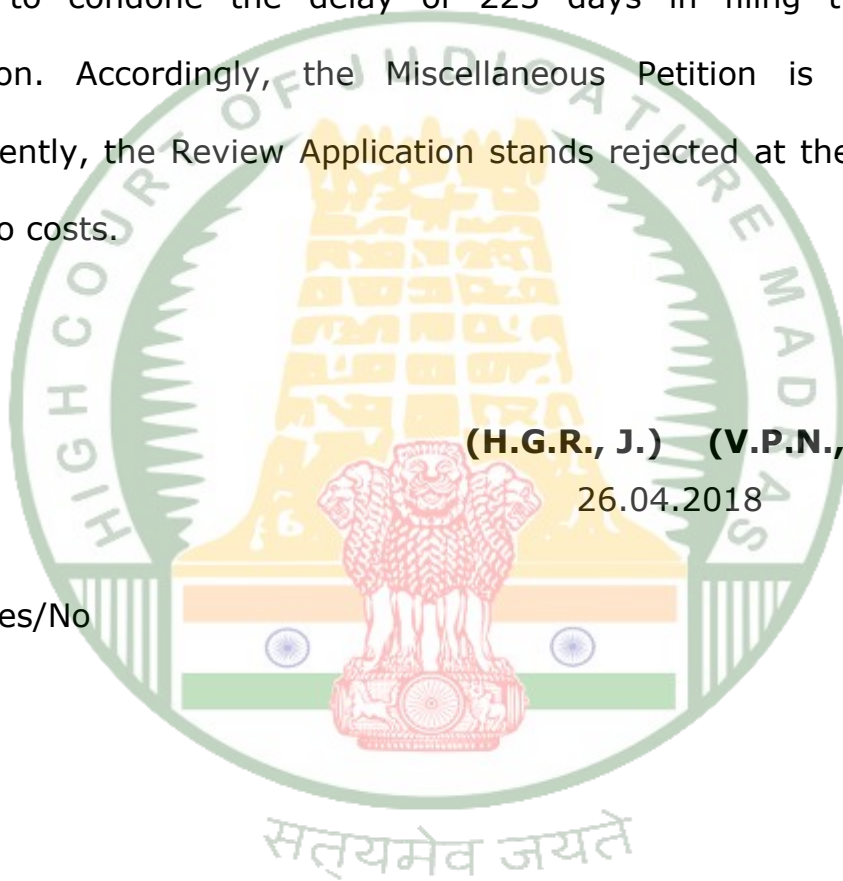
10. In such perspective of the matter, this Court is not inclined to condone the delay of 223 days in filing the review application. Accordingly, the Miscellaneous Petition is dismissed. Consequently, the Review Application stands rejected at the SR stage itself. No costs.

(H.G.R., J.) (V.P.N., J.)

26.04.2018

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Index: Yes/No



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HULUVADI G. RAMESH, J.
and
V.PARTHIBAN, J.

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