

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE RMT. TEEKAA RAMAN

Review Application Nos.145 and 146 of 2018

The Executive Director
Food Corporation of India
Zonal Office (South)
No.3, Haddows Road
Chennai -6.

... Applicant in
both the applications

vs.

R.Rajesh Kumar

... Respondent in
both the applications

Common Prayer: Review applications filed under Order 47 Rule 1 of CPC r/w Section 114 of the C.P.C against the common judgment dated 29.08.2017 passed by this Court in W.A.Nos.1009 and 1010 of 2017.

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For Applicant : Mr.S.Vijayakumar
For Respondent : Mr.G.Vijay Balan for
Mr.Hari Radhakrishnan

COMMON ORDER

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

Heard Mr.S.Vijayakumar, learned counsel for the applicant and Mr.G.Vijay Balan representing Mr.Hari Radhakrishnan, who takes notice for the respondent.

2.The applicant herein viz., Executive Director, Food Corporation of India, Zonal Office (South), Chennai is the appellant in W.A.Nos.1009 and 1010 of 2017 and the respondent in W.P.Nos.5779 and 5780 of 2017. The respondent in the present Review Applications and the writ appeals is the writ petitioner.

3.The present Review Applications are directed against the common judgment dated 29.08.2017 passed in WA.Nos.1009 and 1010 of 2017, wherein and whereby, this Court directed the applicant to take immediate steps to issue the appointment orders to the eligible candidates, without any further delay and in the event of expressing non-willingness to join for duty, in writing, by the candidates at Sl.Nos.1 and 2, then only the writ petitioner may be considered in accordance with law for the vacant post and accordingly, disposed of

the writ appeals.

4.While passing such judgment in the writ appeals, in para 4, this Court has recorded as follows:

“4.....It is submitted by the learned counsel appearing for the appellant that the persons who are at serial numbers 1 and 2 have not at all been issued with the order/notice directing them to report for duty and the petitioner is the person standing at serial number 3.”

Aggrieved against the same, the present Review Applications have been filed.

5.The learned counsel for the review applicant submitted that no such averments have ever been made by the applicant. According to the learned counsel, the writ petitioner is not at all placed in the waiting list as Sl.No.3 and he has not fulfilled the conditions stipulated in the notification, as he was not in possession of the No Objection Certificate from the employer as on the date of submission of online application and hence, the averments so made in the judgment passed in the writ appeals are contrary to the facts as borne out from the records. However, the learned counsel submitted that subsequent to the judgment passed by this Court in the writ appeals, the writ petitioner has got appointment to the post of Management Trainee.

6. Having regard to the submission made by the learned counsel for the review applicant that the averments recorded in para 4 of the judgment made in the writ appeals were never advanced by him and the same are contrary to the records maintained by the applicant and also taking note of the fact that the writ petitioner has subsequently been appointed as a Management Trainee, we are inclined to consider the plea made in the review applications. Accordingly, the portion recorded in para 4 of the common judgment dated 29.08.2017 made in WA.Nos.1009 and 1010 of 2017 as extracted in para 4 of this order, is ordered to be deleted.

7. The Review Applications stand allowed to the extent indicated above. No costs.

(H.G.R., J.) (T.K.R., J.)

17.04.2018

Index: Yes/No

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HULUVADI G. RAMESH, J.
and
RMT. TEEKAA RAMAN, J.

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