

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2018

CORAM:

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH

and

THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

Review Application No.233 of 2014

in

W.P.No.28705 of 2011

1. Union of India,
Rep. by DCIDS (DOT),
HQ Integrated Defence Staff,
Dte of Pers,
Kashmir House,
Rajaji Marg,
New Delhi - 110 011.
2. Dte Gen of Military Training,
General Staff Branch,
Army Head Quarters,
New Delhi - 110 011.
3. The Commandant,
Defence Services Staff College,
Wellington - 643 231,
Nilgiris,
Tamil Nadu.

... Petitioners

.. Vs ..

1. Mandru Seshiah

2. The Registrar,
Central Administrative Tribunal,
Madras Bench,
Chennai.

... Respondents

Prayer: Review Application filed under Order 47 Rule 1 r/w. Section 114 of C.P.C. to review the order passed by this Court dated 09.11.2012 made in W.P.No.28075 of 2011.

For Petitioners : Mr.Venkataswamy Babu

For R-1 : Mr.J.Antony Jesus

ORDER

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

This review application has been filed by the petitioners herein seeking to review the order passed by this Court in W.P.No.28075 of 2011 dated 09.11.2012.

2. Heard the learned counsel appearing for the review petitioners and the learned counsel appearing for the first respondent.

3. Learned counsel appearing for the review petitioners submitted that the first respondent herein was placed under compulsory retirement by the third petitioner herein viz., The Commandant, Defence Services Staff College, Wellington, Nilgiris, for the alleged irregularities committed by him and the same was set aside by the Central Administrative Tribunal, Madras, in O.A.No.421 of 2009. As against which, the review petitioners herein have preferred a writ petition in W.P.No.28705 of 2011 and this Court, by an order dated 09.11.2012, had dismissed the said writ petition. As against the said dismissal order, the review petitioners herein have preferred a Special Leave Petition and the same was also dismissed as withdrawn with liberty to file a review application. Accordingly, the present review application has been filed by the review petitioners.

4. When the matter came up for hearing on 29.08.2018, this Court has observed as follows:-

"Learned counsel appearing for the review petitioners is directed to ascertain the present stage of the criminal cases that are said to have been pending before the Judicial Magistrate's Court or any other Court in respect of alleged

smuggling of IMFL bottle from Karnataka and also with regard to the allegation of missing of gas cylinder and report to this Court on 18.09.2018. Further, the criminal case, which is said to have been ended in conviction, is relating to an occurrence that was taken place between the individual and the person outside the office premises and it appears that the learned Judicial Magistrate though convicted the accused, however, imposed only a fine of Rs.5,000/- for the offence under Section 324 of IPC. A Division Bench of this Court has earlier upheld the order closing of the departmental enquiry and observed that the criminal case has been ended in acquittal, however, it is only conviction with imposition of fine.

As observed above, though the learned Magistrate has convicted the accused, only directed to pay a fine of Rs.5,000/- that too for the incident taken outside of the office complex and hence, the learned counsel for the review petitioners is directed to ascertain the stage of the other two matters and report to this Court.

Post the matter on 18.09.2018."

5. In continuation of the said order, when the matter came up for hearing today i.e., on 26.10.2018, the learned counsel appearing for the review petitioners represented that the other two criminal cases against the first respondent herein have been ended in acquittal.

6. When such being the factual position, we do not find any ground for reviewing the earlier order passed by this Court dated 09.11.2012 as the same does not warrant any irregularity or illegality and also considering the scope of the review application, we are not inclined to entertain the review application. Accordingly, the review application is dismissed.

[H.G.R.,J.] [T.K.R.,J.]

26.10.2018

Index : Yes/No

Internet: Yes

Jrl

To

The Registrar,
Central Administrative Tribunal,
Madras Bench,
Chennai.

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

JRL



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