



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Twenty Ninth day of October Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice T.S.SIVAGNANAM
and

The Hon`ble Mr.Justice P.VELMURUGAN
and

The THROUGH VIDEO CONFERENCE
and

The AT PRINCIPAL SEAT

CMP(MD) No.8974 of 2018
IN

REV.APLC(MD) No.SR38306 of 2018

1.THE STATE OF TAMIL NADU,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT,
CHENNAI - 9.

2.THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI - 9.

3.THE CHIEF EDUCATION OFFICER,
TRICHIRAPALLI.

... REVIEW PETITIONERS/APPELLANTS

Vs

P.RAJALINGAM

... RESPONDENT / RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 246 days in filing the review application in W.A.(MD) No. 1255 of 2015 against the order dated 20.04.2017 and thus render justice.

Prayer in REV.APLC(MD) No.SR38306 of 2018 :-

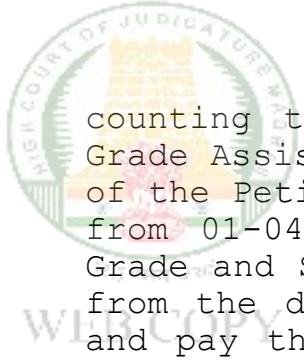
To review the order dated 20.04.2017 passed in W.A(MD) No.1255/2015 and to set aside the same and pass such further or other orders.

Prayer in WA(MD). 1255/ 2015 :

To set aside the order dated 26.02.2013 in W.P(MD)No.2231 of 2012 and pass such other or further orders as this Hon'ble Court.

Prayer in WP(MD). 2231/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS, directing the Respondents to extend the benefit of G.O.Ms.No.216 School Education (G2) Department, dated 30-12-2011 and G.O.Ms.No.210 School Education (G1) Department, dated 14-08-2009 by



counting the service of the Petitioner in the post of Secondary Grade Assistant from 20-03-1968 to 31-03-1981 along with the service of the Petitioner as Secondary Grade Headmaster and B.T. Head Master from 01-04-1981 to 31-05-2004 and consequently pay the Selection Grade and Special Grade Scales of pay to the petitioner with effect from the date of completion of 10 years and 20 years respectively and pay the revised Pension on the basis of the above payment of Selection Grade and Special Grade scale of pay and pass such further or other orders.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mrs.S.SRIMATHI, Special Government Pleader, for the petitioners and of the Respondent not appeared either in person or by an Advocate, the court made the following order:-

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

Heard M/s.S.Srimathy, learned Special Government Pleader for the review applicants.

2.We have perused the affidavit filed in support of the civil miscellaneous petition to condone the delay of 246 days in filing the above review application filed as against the judgment dated 20.04.2017 in W.A.(MD) No.1255 of 2015.

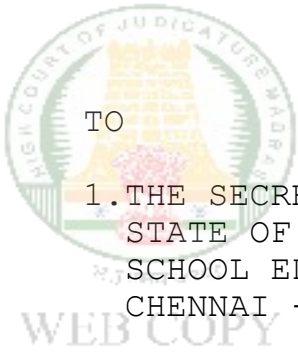
3.The explanation, which is sought to be given for the delay, is in paragraph 4 of the affidavit. However, we find there are no details in the said paragraph. There is absolutely no reason given in paragraph 4 except to state that the copy of the judgment was received in the respondents' office on 01.12.2017. The statement that it is the respondents' office itself is wrong, because the petitioners herein are the Department and the respondent is the writ petitioner.

4.In any event, there is no explanation for the inordinate delay of 246 days. Furthermore, we had followed the decision of the Hon'ble Full Bench, which was agreed to cover the controversy in issue. Thus, we find no good grounds to condone the delay in filing the Review Application.

5.Accordingly, the civil miscellaneous petition stands dismissed. Consequently, the Review Application is rejected at the SR stage itself.

sd/-
29/10/2018

/ TRUE COPY /



TO

1. THE SECRETARY TO GOVERNMENT
STATE OF TAMIL NADU,
SCHOOL EDUCATION DEPARTMENT,
CHENNAI - 9.

2. THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI - 9.

3. THE CHIEF EDUCATION OFFICER,
TRICHIRAPALLI.

ORDER

IN

CMP (MD) No. 8974 of 2018

IN

REV. APLC (MD) No. SR38306 of 2018

Date : 29/10/2018

RAM/JC/SAR 4/22.11.2018/3P/4C