

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2019

CORUM

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA**

**Review Application Nos.54, 55, 75 to 82 of 2015
in W.A.Nos.1030 and 1031 of 2014
and W.P.Nos.4886 to 4888, 17244, to 17247
and 20361 of 2012**

Review Application No.54 of 2015:

The Special Officer,
Tamil Nadu Cooperative State
Agricultural and Rural Development Bank Limited
New No.181 (Old No.79)
Luz Church Road, Mylapore,
Chennai – 600 004.
..... Petitioner

Vs

1. S.Kadiresan
2. Registrar of Cooperative Societies
Kilpauk, Chennai – 600 010
Tamil Nadu.

.... Respondents

PETITION under Order 47 Rule 1 read with 114 of the CPC to review the order dated 14.10.2014 made in W.A.Nos.1030 and 1031 of 2012 and W.P.Nos.4886 to 4888 17244 to 17247 and 20361 of 2012.

For Petitioner in the above Review Applications : Mr.Karthik
For Respondents in Review
Application Nos.75 to 82 of 2015: Mr.V.Kalyanaraman

COMMON ORDER

(Order of the Court was made by K.K.SASIDHARAN, J.,)

The Division Bench by judgment dated 14.10.2014 issued directions to refund the amount collected during the time of retirement. The judgment was unsuccessfully challenged before the Hon'ble Supreme Court. The petitioner has come up with the Review Applications after taking leave from the Hon'ble Supreme Court.

2. We have heard the learned counsel for the petitioner. We have also heard the learned counsel for the respondents.

3. The appellants in the appeals re-fixed the pay of the respondents. However, there was no recovery in respect of the excess pay. It was only during the time of their retirement, the excess pay was recovered. The Division Bench therefore concurred with the submissions made on behalf of the respondents that the appellants in the appeals were not justified in recovering the amount during the verge of retirement.

4. The appellants in the appeals, who were also the respondents in the Writ Petitions have come up with this Review Applications on the

ground that the respondents were aware of the re-fixation of pay scale and as such, it was a case of directing recovery without notice to the parties.

5. The issue raised in the present applications were the very same issue raised in the Writ Appeals and the Writ Petitions. The present attempt is only to re-hear the very appeals and the Writ Petitions. None of the grounds raised by the petitioner would come within the meaning of Order 47 Rule 1 of the Code of Civil Procedure for review.

6. We are therefore of the view that there is absolutely no ground made out to review the judgment dated 14.10.2014 in W.A.Nos.1030 and 1031 of 2012 and W.P.Nos.4886 to 4888 17244 to 17247 and 20361 of 2012.

7. In the result, the Review Applications are dismissed. No costs.

(K.K.SASIDHARAN,J) (P.T.ASHA,J)

23.07.2019

Speaking/Non-speaking order
Index : Yes / No
sl

K.K.SASIDHARAN,J.
AND
P.T.ASHA,J.

sl

To

Registrar of Cooperative Societies
Kilpauk, Chennai – 600 010
Tamil Nadu.



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