

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Rev.Appl.No.166 of 2019

S.Chandrasekaran

.. Petitioner

Vs.

1.The Chief Executive Officer
Tamil Nadu Khadi and Village Industries
Board, Chennai.

2.The Regional Deputy Director
Tamil Nadu Khadi and Village Industries
Board, Tirupur.

3.The Assistant Director
Tamil Nadu Khadi and Village Industries
Board, Coimbatore.

.. Respondents

PRAYER: Review Application is filed under Order XLVII Rule 1 read with Section 114 of C.P.C., to review the order of this Court dated 27.10.2015 made in W.P.No.24424 of 2012.

For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.S.K.Bose

ORDER

This Review Application is filed to review the order of this Court dated 27.10.2015 made in W.P.No.24424 of 2012.

2.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents and perused the materials available on record.

3.The review petitioner filed W.P.No.24424 of 2012 challenging the charge memo dated 09.05.2012 issued by the 2nd respondent. Pending writ petition, domestic enquiry was conducted and punishment of stoppage of increment for two years without cumulative effect was imposed. Once enquiry was conducted and punishment was imposed, the writ petition challenging the charge memo has become infructuous. Whether the punishment imposed on the review petitioner for stoppage of increment for two years or two months will not make any difference, as domestic enquiry had been concluded and the writ petition has become infructuous. If the respondents are not promoting the petitioner, it is for the petitioner

to take appropriate proceedings to get his grievance redressed. The respondents cannot be directed to promote the petitioner as the same is different cause of action. Further, the review petitioner has filed present review application by changing the counsel. The First Bench of this Court in the judgment reported in **2019 (2) TLNJ 577 (Civil) (Madhavan N. vs. Karthikraj R. and others)**, held that review application filed by way of change of vakalat and also without obtaining No Objection Certificate from the erstwhile counsel should not be entertained and the same reads as follows:

"1.The record of the appeal indicates that Shri Sudarsh Menon was the Advocate-on-Record when the appeal was heard and decided on merits. The review petition has been filed by Shri Prabir Chowdhury who was neither an arguing counsel when the appeal was heard nor was he present at the time of arguments. It is unknown on what basis he has written the grounds in the review petition as if it is a rehearing of an appeal against our order. He did not confine to the scope of review. It would be not in the interest of the profession to permit such practice. That apart, he has not obtained "No Objection Certificate" from the Advocate-on-Record

in the appeal, in spite of the fact that Registry had informed him of the requirement for doing so. Filing of the "No Objection Certificate" would be the basis for him to come on record. Otherwise, the Advocate-on-Record is answerable to the Court. The failure to obtain the "No Objection Certificate" from the erstwhile counsel has dis-entitled him to file the review petition. Even otherwise, the review petition has no merits. It is an attempt to re-argue the matter.

2.On these grounds, we dismiss the review petition."

4.For the above reason, the review application stands dismissed. However, observation made in the order that punishment of stoppage of increment for two years was imposed will not be impediment for the respondents to consider the petitioner for promotion. No costs.

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Index:Yes/No

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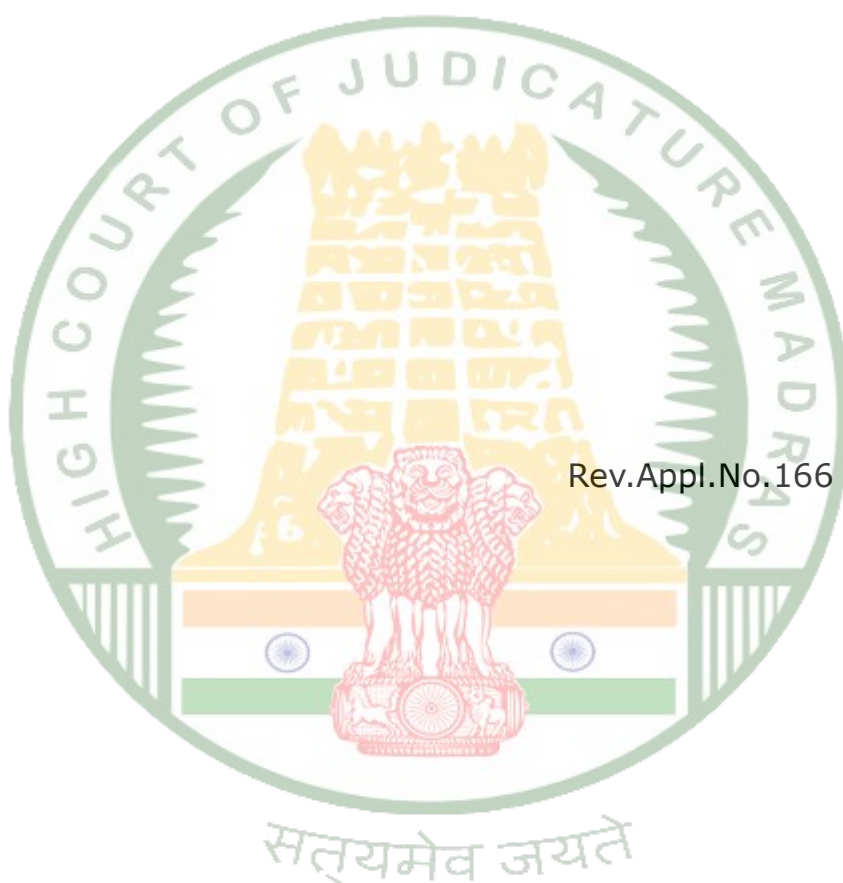


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V.M.VELUMANI,J.

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