

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.07.2019

CORAM:

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAIWAMY

Review Application (Writ) No.196 of 2018

against W.P.No.14065 of 2018

Dr.M.Thalamadai Karuppiah

... Review Applicant

V.

1. Union of India,
Rep. by The Secretary,
Ministry of Environment,
Forest & Climate Change,
Indira Paryavaran Bhavan,
Jorbagh Road, Aligani,
New Delhi 110 003.

2.The Central Administrative Tribunal,
Rep. by its Registrar,
Madras Bench,
Chennai 600 104.

... Respondents

Review Petition filed under Order XLVII Rule 1 r/w Section 114 of
of the Civil Procedure Code against the order dated 09.10.2018 made

in W.P.No.14065 of 2018 on the file of this Court.

For Review Applicant : Mr.R.Malaichamy

For Respondents : Mr.V.Chandrasekaran – for R1

ORDER

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The 1st respondent in the Writ Petition in W.P.No.14065 of 2018 has filed the above Review Application to review the order dated 09.10.2018.

2. This Court disposed of the Writ Petition recording the submission made by the 1st respondent-writ petitioner to the effect that the Review Applicant would be granted promotion with retrospective effect from 01.07.2015 subject to his undergoing an evaluation process. While disposing of the Writ Petition, we have also made it clear that if the Review Applicant does not successfully pass the evaluation process and if the order is adverse, it would be open to him to challenge the same in accordance with law.

3. Now, the 1st respondent in the Writ Petition has filed the above Review Application to review the order stating that the order dated 09.10.2019 may be modified by deleting the rider clause for promotion with effect from 01.07.2015 i.e. the promotion would be granted with retrospective effect from 01.07.2015 subject to his undergoing an evaluation process.

4. Admittedly, the petitioner was evaluated on 22.07.2016 and not before 01.07.2015 or after the disposal of the Writ Petition in W.P.No.14065 of 2018. When this Court had imposed a condition for considering the petitioner's name for promotion with retrospective effect, the same cannot be taken as an error apparent on the face of the record.

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5. It is settled position that only if there is an error apparent on the face of the record, a Review Application can be entertained. In the absence of any error apparent on the face of the record, the Review Application should be rejected.

6. The Review Applicant cannot re-argue the matter in the guise of Review Application. Since we do not find any error apparent on the face of the record warranting interference, the Review Application is liable to be dismissed. Accordingly, the Review Application is dismissed. No costs.

(V.K.T., C.J.) (M.D., J.)
10.07.2019

Index : Yes/No

Speaking Order/Non Speaking Order

Rj

To

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THE HON'BLE CHIEF JUSTICE
AND
M. DURAISWAMY,J.

Rj



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