

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

Review Application No.157 of 2019
in
W.P.No.28295 of 2018

R.Sundaram

Vs.

.. Review Applicant

1. The Tamil Nadu State Level Scrutiny Committee,
Rep. by its Chairperson,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavignar Maligai,
Secretariat, Chennai-600 009.
2. The Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St.George,
Secretariat, Chennai-600 009.
3. The Director of Tribal Welfare Department,
Chepauk, Chennai-600 005.
4. The Director of Tribal Research Centre,
M.Palada, Udthagamandalam-4.
5. The Deputy Superintendent of Police,
SC/ST Vigilance Cell,
Madurai Division,
(in-charge) Salem Division, Salem-1.
6. The District Collector, Salem.
7. The Sub-Collector, Mettur, Salem District.

8. The Tahsildar,
Mettur Taluk, Mettur, Salem District.

9. Indian Bank,
Rep. by its General Manager,
Corporate Office,
No.254-360, Avvai Shanmugam Salai,
Royapettah, Chennai-14.

.. Respondents

Review Application filed under Order 47 Rule 1 read with Section 114 of the Code of Civil Procedure, to review the order dated 16.04.2019 passed in W.P.No.28295 of 2018, on the file of this Court.

For Review Applicant : Mr.R.Neelakandan

For respondents : Mrs.Narmadha Sampath, Addl. Advocate General,
assisted by Mr.M.Elumalai, Govt. Advocate for RR-1 to 8
Mr.Kalyanaraman for M/s.Aiyar & Dolia for R-9

ORDER

(The Order of the Court was made by R.Subbiah, J)

The present Review Application is filed to review the order dated 16.04.2019 passed by this Court in W.P.No.28295 of 2018, in and by which, this Court had observed in paragraph 9 as follows:

"9. As regards the service of notice on the petitioner, we have directed the learned Additional Advocate General to produce the original file pertaining to this case. Accordingly, the original file has been produced before this Court. On perusal of the file, we have noticed that the communication

dated 12.03.2018 was sent to the addresses furnished by the petitioner's employer, one at Salem District and the other at Thiruverkadu, Chennai. The communication dated 12.03.2018 was sent to both the addresses by which the petitioner was called upon to attend the enquiry on 13.03.2018. We have also noticed that the communication dated 12.03.2018 sent to the petitioner at his Thiruverkadu address has been duly delivered on 13.03.2018 by speed post service. On the other hand, the communication dated 12.03.2018 sent to the petitioner to his Salem address was returned with an endorsement "out of station". Therefore, it is evident that the communication dated 12.03.2018 has been duly served on the petitioner, but the petitioner, on receipt of the communication dated 12.03.2018, did not participate in the enquiry conducted by the first respondent on 23.03.2018. Even on 23.03.2018, the first respondent adjourned the enquiry proceedings to 27.03.2018 to enable the petitioner to participate in the enquiry. However, the petitioner did not attend the enquiry. On the other hand, curiously, in the representation dated 27.03.2018 sent by the petitioner, he has stated that he has not received any notice for the enquiry proposed to be conducted on 23.03.2018. According to the petitioner, he came to know about the enquiry to be conducted on 23.03.2018 through one Ranganathan against whom also an enquiry was

proposed to be conducted by the first respondent on that day. In any event, we are of the view that the first respondent has duly served notice on the petitioner for the enquiry proposed to be conducted on 23.03.2018 and it was also received by the petitioner as could be evident from the original records. However, for the reasons best known, the petitioner did not participate in the enquiry. It is needless to mention that this Court has granted two months time for completing the enquiry in the order dated 19.12.2017 in W.P.No.33207 of 2017, however, the enquiry could not be completed within the time indicated by this Court. Thus, inspite of service of notice, the petitioner did not turn up for enquiry and that is the reason why the first respondent, on the strength of the directions issued by this Court in para No.24(iv) of the order dated 19.12.2017 in W.P.No.33207 of 2017, passed the order dated 27.03.2018 on the basis of the materials made available and we do not find any reason to interfere with the same."

2. Thus this Court, by perusing the original files, has found that inspite of the receipt of the notice, the petitioner has not attended the enquiry. This contention of the petitioner made in his representation, dated 27.03.2018, is not correct and this Court dismissed the Writ Petition as well as the connected

Contempt Petition by the order under review. Now the present Review Application is filed to review the said order stating that the Review Applicant/writ petitioner has ample proof to show that the notice was not served on him, and therefore, the observations made in paragraph 9 quoted above, by this Court, by perusing the files produced by the Government, had to be reviewed.

3. But we are of the opinion that this Court, only on perusing the files personally, had rendered a finding and therefore, now, at this stage, the petitioner cannot come and say that the said order has to be reviewed. Such a contention of the Review Applicant/writ petitioner cannot be a ground for review of the order.

4. Further, we find no error apparent on the face of the records. Hence, the Review Application is dismissed. No costs.

(R.P.S.J)

(K.R.J)

13.02.2020

Index: Yes

Speaking Order: Yes

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To

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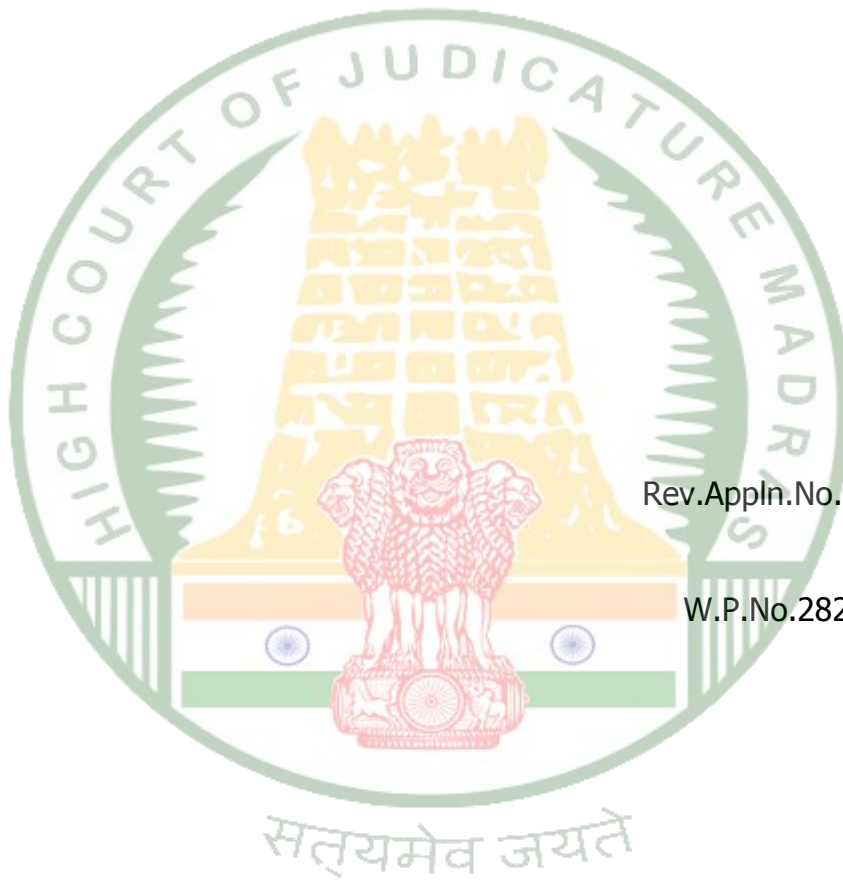
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