



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 18.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WMP No.15944 of 2021  
and  
Rev. Appln. SR.No.28701 of 2021  
in  
W.P.No.15462 of 2013

K.Alaguparamasivam

... Petitioner

Vs.

1. The District Elementary Educational Officer,  
Krishnagiri District, Krishnagiri.
2. The District Employment Officer,  
District-Employment Office,  
Krishnagiri District.
3. The Chief Educational Officer,  
Krishnagiri District, Krishnagiri.
4. The District Collector,  
Krishnagiri District,  
Krishnagiri.
5. Director of Elementary Education,  
Directorate of Elementary Education,  
DPI Complex, Chennai 600 006.
6. The State of Tamil Nadu,  
Rep. by its Secretary, Education Department,  
Fort St. George, Chennai 600 009.

... Respondents

Prayer in WMP NO.15944 of 2021:

Writ Miscellaneous Petition filed seeking to condone the delay of 431 days in filing the Review Petition.

Prayer in Rev.Petition SR 28701 of 2021

Review Petition filed under Order 47 Rule 1 & 2 read with Section 114 of CPC to review the order passed in W.P.No.15462 of



2013, dated 05.12.2019, by allowing the writ petition as prayed for and pass orders.

Prayer in W.P.No.15462 of 2013:

Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to appoint the petitioner as a Secondary Grade Teacher on regular basis w.e.f. 25.08.2001, the date on which the petitioner's Junior Mr.Rajesh Ebenazer was appointed on the time scale of pay with all consequential benefits including arrears of pay and allowances, seniority, promotion on par with his junior, pension benefits.

For petitioner : Ms.Y.Kavitha

For respondents : Mr.T.Arunkumar,  
Addl. Government Pleader

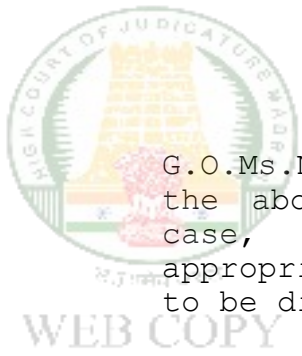
#### ORDER

This writ miscellaneous petition has been filed to condone the delay of 431 days in filing the Review Application SR No.28701 of 2021 to review the order passed in W.P.No.15462 of 2013 dated 05.12.2019.

2. The learned counsel for the petitioner submitted that, in the above writ petition, the first respondent had filed counter affidavit, relying upon the Government Order in G.O.Ms.No.430 Finance (Pension) dated 06.08.2004 and based on the above Government Order, this court has passed an order and directed the respondent to consider the petitioner's representation, by taking note of the above said Government Order.

3. The contention of the learned counsel for the petitioner is that, the aforesaid Government Order in G.O.Ms.No.430 Finance (Pension) dated 06.08.2004 is not relevant to the case of the writ petitioner. Aggrieved by the said observation made by this court in the writ petition, the petitioner is intending to file a review petition. However, there occurred a delay of 431 days in filing the review petition, because, due to the present pandemic situation, the petitioner was not able to come down to Chennai and was unable to give instructions to his counsel to file the review petition. Hence, she prayed that the delay may be condoned and the review application may be taken on file by numbering the same.

4. The learned Government Advocate submitted that this court has passed the order directing the respondents to consider the representation of the petitioner, by taking note of the above



G.O.Ms.No.430 dated 06.08.2004. He further submitted that, if the above Government Order is not applicable to the present case, the authority concerned can give reasons and pass appropriate orders and therefore, the present petition is liable to be dismissed.s

5. Heard the rival submissions made by the counsel for both sides and perused the materials on record.

6. In W.P.No.15462 of 2013, this court by an order dated 05.12.2019, has passed the following order.

" 7. However, liberty is granted to the writ petitioner to make his representation to the 6th respondent through the 5th respondent within a period of two weeks from the date of receipt of a copy of this order. If any such representation is being made by the petitioner, the same shall be considered in accordance with law, by taking note of the Government Order in G.O.Ms.No.430 Finance (Pension) dated 06.08.2004, within a period 12 weeks thereafter."

7. As observed by this court, the authority concerned, shall consider the representation of the petitioner, by taking note of the G.O.Ms.No.430 Finance (Pension) dated 06.08.2004. However, if the above said Government Order, as stated in the counter affidavit, is not applicable to the case of the petitioner, the concerned respondent has to render reasons for the same and pass appropriate order. It is to be noted that, the above clarification made in this order is subject to the condition that, if no final order is passed by the concerned respondent.

8. In view of the above clarification made in this petition, this court is of the view that the Review Application cannot be entertained and hence the same is liable to be closed.

9. Accordingly, the writ miscellaneous petition is closed. Consequently, the Review Application SR No.28701 of 2021 is also closed at the S.R. stage itself.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mst



To

1. The District Elementary Educational Officer,  
Krishnagiri District, Krishnagiri.
2. The District Employment Officer,  
District-Employment Office,  
Krishnagiri District.
3. The Chief Educational Officer,  
Krishnagiri District, Krishnagiri.
4. The District Collector,  
Krishnagiri District,  
Krishnagiri.
5. Director of Elementary Education,  
Directorate of Elementary Education,  
DPI Complex, Chennai 600 006.
6. The Secretary,  
The State of Tamil Nadu,  
Education Department,  
Fort St. George, Chennai 600 009.

WMP No.15944 of 2021 in  
Rev.Appln. SR.No.28701 of 2021 in  
W.P.No.15462 of 2013

SSI (CO)  
SU (02/12/2021)  
SU (21/12/2021)