



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.02.2021
CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Reivew Application (MD).No.219 of 2017

and C.M.P.(MD).No.9482 of 2017

in

Writ Appeal (MD) No.794 of 2017

1.The Government of Tamil Nadu,
Rep. by its Home Secretary,
Fort St. George, Chennai - 600 009.

2.The Director General of Police,
Kamarajar Salai, Mylapore,
Chennai - 600 004.

3.The Commissioner of Police,
Madurai City, Madurai.

... Review Petitioners

-vs-

K.Sethuraman

... Respondent

Review Application under Section 114 read with Order 47 Rules 1 & 2 of Code of Civil Procedure to review the judgment dated 28.06.2017 made in W.A.(MD) No.794 of 2017.

Prayer in WA(MD). 794 of 2017 :

Prefer the writ appeal against the order dated 27/11/2013 made in WP(MD).NO.18967/2013 passed by this Honourable Court.

Prayer in WP(MD). 18967 of 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order passed by the 3rd respondent in Na.Ka.A3/18159/161/2012 dated 18.02.2012 and quash the same and consequently direct the respondents No.2 & 3 to revise and regularize the service seniority and give notional promotion with monetary benefits to the Petitioner.

For Applicants : Mr.K.P.Krishnadoss
Special Government Pleader

For Respondent : Mr.A.Rajaram



ORDER

(Order of the Court was made by T.S.Sivagnanam, J.)

The appellants in W.A.No.794 of 2017 are the review petitioners in this review application. The appellants seek for review of the judgment and order dated 28.06.2017, which reads as follows:

"Heard Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the appellants and Mr.A.Rajaram, learned counsel appearing for the respondents.

2.This Writ Appeal has been filed by the Government challenging the order dated 27.11.2013 made in W.P.(MD).No.18967 of 2013. The said order is a common order in a batch of cases, pertaining to promotion. The learned Single Judge, after taking into consideration the Judgment of the Hon'ble Division Bench in W.A.(MD).No.1506 of 2011, dated 17.06.2013, allowed the Writ Petitions. It is submitted by the learned counsel for the respondent that the Special Leave Petitions filed against the said Writ Appeal was dismissed by the Hon'ble Supreme Court and the appellants have implemented the Judgment passed in the Writ Appeal in respect of similarly placed persons, by passing G.O(Ms).No.167, Home (Police Vi) Department, dated 02.03.2017.

3.Since the Writ Court had allowed the Writ Petition by following the Judgment passed by the Hon'ble Division Bench, we find no reason to take a different view in the present Writ Appeal. Accordingly, the Writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed."

2.As could be seen from the above judgment, the Court had followed an earlier decision of the Hon'ble Division Bench in W.A.No.1506 of 2011 dated 17.06.2013

3.We have heard Mr.K.P.Krishnadoss, learned Special Government Pleader appearing for the applicants and Mr.A.Rajaram, learned counsel appearing for the respondent. We have carefully perused the grounds raised before us.

4.We find that the review petitioners seek for finding fault with the judgment in W.A.No.1506 of 2011 dated 17.06.2013 which they are not entitled to because the Special Leave Petitions filed against the said judgment before the Hon'ble Supreme Court have been dismissed and the orders have been implemented. Therefore, we find



that there are absolutely no grounds made out by the petitioners to review the judgment and order and the petitioners have miserably failed to point out any error which is apparent on the face of the judgment dated 28.06.2017.

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5.Further, the learned counsel appearing for the respondent would submit that in respect of similarly placed writ petitioners, the Government has implemented and had paid all the benefits in G.O.Ms.No.326, dated 26.03.2015. The learned counsel has furnished the names of three of the Special Sub Inspectors, who were also the writ petitioners and who have been granted relief, namely, Mr.R.Thangapandian SSI 2207, Mr.S.Michael Antony SSI 226 and Mr.R.Paul Durai SSI 359.

6.In any event, we being fully satisfied that no grounds have been made out to review our judgment, the review petition is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Cse

To

1.The Home Secretary,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.

2.The Director General of Police,
Kamarajar Salai, Mylapore,
Chennai - 600 004.

3.The Commissioner of Police,
Madurai City, Madurai.

+1cc to Mr.A.Rajaram, Advocate Sr.No.7653

Rev.Aplc.(MD) No.219 of 2017
and CMP(MD) .No.9482 of 2017
26.02.2021