



Review Application No. 99 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM

**THE HON'BLE MR. JUSTICE P.N.PRAKASH
AND
THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU**

Review Application No. 99 of 2019

K.Irusa Goundan

... Petitioner/Appellant

-VS-

1. The State of Tamil Nadu,
Rep. by the Home Secretary,
St. George Fort,
Chennai – 600 009.
2. The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai – 600 004.
3. The Deputy Inspector General of Police,
Salem Range,
Salem.
4. The Superintendent of Police,
Salem District,
Salem.

... Respondents/Respondents

Prayer:- Review Application filed under Order XLVII Rules 1 and 2 read with Section 114 of the Code of Civil Procedure, 1908, to review and consider the order dated 12.02.2019 passed in W.A. No. 175 of 2019 and allow the Writ Appeal in W.A. No. 175 of 2019, consequently allow the Review Application as prayed for.



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For Petitioner : Mr. S.Pushpakaran

For Respondents : Mr. S.John J.Raja Singh,
Additional Government Pleader

ORDER

(Order of the Court was made by P.D.AUDIKESSAVALU, J.)

We have heard Mr. S.Pushpakaran, Learned Counsel for the Petitioner and Mr. S.John J.Raja Singh, Learned Additional Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Court by order dated 11.09.2018 declined to entertain the Writ Petition in W.P. No. 23634 of 2018 filed by the Petitioner for advancing his promotions to the posts of Grade-II Constable, Grade-I Constable, Head Constable and Special Sub-Inspector of Police to earlier dates relying on certain Governmental Orders on the ground of laches as he had already retired from service on 28.02.2010 by then, which was confirmed in appeal by order dated 12.02.2019 in W.A. No. 175 of 2019 passed by the Division Bench of the Court.



3. This application for review of the aforesaid order is prosecuted raising the contention that persons similarly placed to the Petitioner have been granted relief by another Division Bench of the Court in the decision in ***Government of Tamil Nadu -vs- V.Samy*** (Order dated 17.06.2013 in W.A. (MD) No. 1506 of 2011 etc., batch) and it would be discriminatory to deny such relief to the Petitioner in this case.

4. At this juncture, it must be noticed that the Full Bench of this Court in ***State of Tamil Nadu -vs- C.Srinivasan*** [(2022) 1 CTC 833] has overruled the said decision of the Division Bench in ***Government of Tamil Nadu -vs- V.Samy*** (Order dated 17.06.2013 in W.A. (MD) No. 1506 of 2011 etc., batch) as it does not lay down the correct law. It is now beyond cavil that a wrong decision granting benefit to one person does not give a right to claim parity or equality by extending such wrong order to others as restated by the Hon'ble Supreme Court of India in ***State of Odisha -vs- Anup Kumar Senapati*** [(2019) 19 SCC 626] after referring to several earlier rulings.



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In such circumstances, there does not appear to be any error on the face of the record so as to reconsider the earlier order passed by the Court. The Review Application, which is devoid of any merits, is dismissed. No costs.

(P.N.P., J.) (P.D.A., J.)

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Index: Yes/No

To

1. The Secretary to Government of Tamil Nadu,
Home Department,
Secretariat,
St. George Fort,
Chennai – 600 009.
2. The Director General of Police,
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Mylapore,
Chennai – 600 004.
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