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Rev.Appl.No.112/2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 29-11-2022

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MRS.JUSTICE N.MALA

REVIEW APPLICATION No.112 of 2022

1.The Secretary,
Tamil Nadu Water Supply and Drainage Board,
31, Kamarajar Salai,
Chennai – 600 005.

2.The Superintending Engineer,
Tamil Nadu Water Supply and Drainage Board,
Dharmapuri Circle, Dharmapuri,
Dharmapuri District.

...

Petitioners

-VS-

N.Venkatesan

...

Respondent

Review Application is filed against the order, dated 07.04.2022, passed in C.M.P.No.419 of 2022 in W.A.SR.No.3026 of 2022 on the file of this Court.

For Petitioners : Mr.S.Ravindran,
Senior Counsel,
for Mrs.S.Mekhala.

For Respondent : Mr.P.Rajendran

**ORDER**

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Petitioners have come before this Court to review the order, dated 07.04.2022, passed in C.M.P.No.419 of 2022 in W.A.SR.No.3026 of 2022, and contended that there was an actual delay of only 208 days in filing the appeal and it was wrongly projected as if it was 952 days and that this Court, without excluding the delay during the Covid-19 period, dismissed the petition as well as the appeal at the SR stage. It is further submitted by the petitioners that the respondent - writ petitioner has not completed ten years of service and that the petitioners have rightly reverted the respondent. Though recovery has been quashed, it is stated that the petitioners are fully justified in reverting the respondent, on account of the fact that the respondent has not completed ten years of service.

2. We are not inclined to go into the merits of the matter, as we have rejected the appeal on the ground of laches. Even assuming, for the sake of argument, that there was a delay of 208 days, the averment in Paragraph No.13 of the affidavit of the petitioners in the appeal to the effect that the Department had to gather particulars/documents from various Divisions and process the Writ Appeal was not convincing/sufficient for this Court to condone the delay, as there were no proper reasonings given. Hence, we are not inclined to review the order.



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3. Mr.S.Ravindran, learned Senior Counsel, appearing for the petitioners, would submit that he may be permitted to file a review petition against the order of the learned single Judge, as the reversion of the respondent is fully justified.

4. We have not expressed our view on the contention seeking permission to file a review and whether dismissal of Writ Appeal on the ground of delay would entitle a party to seek review of the order of the learned single Judge can be addressed before the learned single Judge, but it is for the learned single Judge to consider the said issue. In case any Review Application is filed by the petitioners against the order in the Writ Petition, it is for the learned single Judge to deal with the same in accordance with law.

5. Review Application is dismissed accordingly. No costs.

Index : Yes/No

Internet : Yes/No

Speaking / Non-speaking Order

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(S.V.N.,J.)

(N.M.,J.)

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S.VAIDYANATHAN,J.
AND
N.MALA,J.

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