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Rew.Appln.No.48 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

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THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Rev.Appln.No.48 of 2020

and

W.P.No.26813 of 2019

1. The State of Tamilnadu
Represented by its Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai – 600 009.
2. The Registrar of Co-operative Societies (Housing)
Tamilnadu Co-operative Housing Federation,
No.48, Ritherton Road, Vepery, Chennai 600 007.
3. The Deputy Registrar of Co-operative Societies (housing),
Virudhunagar Zone, Virudhunagar District.
4. The Secretary Mda HSG,
103, Thirupattur Taluk Co-operative Housing Society (Ltd),
Thirupattur, Sivaganga District

.. Petitioner/Applicant/ Respondent

-Vs-

R. John Bosco

.. Respondent/Respondent/Petitioner

Prayer: This Review Application is filed under Article 226 of the Constitution of India, to review the order passed in W.P.No.26813 of 2019 dated 12.09.2019.

For Applicants

: Mr. U. Baranidharan

Additional Government Pleader

For Respondent

: Mr.P. Dinesh Kumar



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ORDER

The Review Petition has been filed to review the order passed in W.P.No.26813 of 2019 dated 12.09.2019.

2. The Respondent/R. John Bosco earlier filed a petition in W.P.No.32102 of 2019 seeking for a direction to the 4th Applicant herein to disburse the retirement benefits due to him and this Court disposed of the said writ petition on 21.12.2018 with a direction to the applicants herein to consider the case of the petitioner and pass appropriate orders.

2.1.Pursuant to which the 3rd applicant herein ascertained the amount to be disbursed to the respondent vide proceedings Na.Ka.No.383/16 dated 04.04.2019. However the amount was not paid so far. Hence the petitioner filed a petition in W.P.No.26813 of 2019 seeking for a direction to disburse the retirement benefits due and payable to the petitioner as per the proceedings of the third Respondent in Na.Ka.No.383/16 dated 04.04.2019.

2.2. This Court disposed of W.P.No.26813 of 2019 on 12.09.2019 by recording the submission made by the learned Special Government Pleader that the eligible terminal benefits will be paid to the petitioner therein in accordance



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with law. Aggrieved by the same, this review application has been filed, on the sole ground that the writ petitioner is not entitled for retirement benefits and without ascertaining the said fact, inadvertently, the learned Special Government Pleader made the said submission before this Court. Hence, the order dated 12.09.2019 passed by this Court in W.P.No.26813 of 2019 has to be reviewed.

3. However, this Court issued a direction to the petitioners to disburse the eligible terminal benefits to the writ petitioner. If the Revision petitioners arrive at a conclusion that the writ petitioner is not entitled for any terminal benefits, they have to conduct enquiry and pass appropriate reasoned order and the same has to be intimated to the writ petitioner to work out the remedy in the manner known to law. Instead of doing so, the petitioners have filed this review application which is un-sustainable one.

4. Further on one hand, the petitioners claim that the society have no fund to disburse the amount to the writ petitioner and on the other hand, petitioners claim that the writ petitioner is not entitled for any terminal benefits. They cannot make contra submissions. In order to review a decision, the petitioners should be able to point out an error which is apparent on the face of the record. In the absence of error apparent on the face of the record, the review application is not maintainable.



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5. In view of the above, this Review Application Dismissed. No costs.

02.11.2022

Index : Yes/No

Internet: Yes/No

Speaking Order : Yes/No

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To

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M.DHANDAPANI, J.

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