



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2022

CORAM :

THE HON'BLE **MR. JUSTICE S.S.SUNDAR**

AND

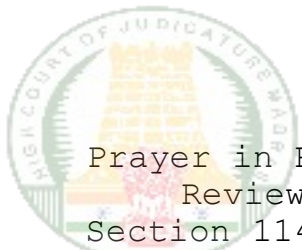
THE HON'BLE **MR. JUSTICE C.SARAVANAN**

Review Application (MD) No.40 of 2022
and C.M.P. (MD) No.1251 of 2022
in WA(MD).214 of 2018

1. The Principal Secretary,
School Education (R1) Department,
Secretariat, Chennai - 600 009.
2. The Director of School Education,
College Road,
Nungambakkam, Chennai - 600 006.
3. The Chief Educational Officer,
Nagercoil,
Kanyakumari District.
4. The District Educational Officer,
Kuzhithurai,
Kanyakumari District.
5. The Assistant Elementary Educational Officer,
Karungal, Kanyakumari District.
6. The Headmaster,
Govt. (Boys) Higher Secondary School,
Marthandam, Kanyakumari District.
7. The Headmaster,
Govt. Primary School,
Viricode,
Marthandam,
Kanyakumari District. ... Review Applicants/Appellants

Vs.

1. K.Lakshmanan
2. The Accountant General Accounts and Entitlements (A.E.)
361, Anna Salai, Teynampet,
Chennai - 600 018. ... Respondents



Prayer in Review Application (MD) No.40 of 2022:

Review Application filed under Order XLVII Rule 1 read with Section 114 of the Code of Civil Procedure to review the order dated 13.03.2020 made in W.A. (MD) No.214 of 2018.

Prayer in WA(MD).214 of 2018:

Writ Appeal filed under Clause 15 of Letters Patent against the order dated 05.01.2017 passed in WP(MD.10746 of 2015

Prayer in WP(MD). 10746/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus calling for the records of the 1st respondent relating to the impugned order in proceedings No.19256/Ni.V.1(2) /2013-2 dated 17.9.2014 and to quash the same and consequently direct the 1st respondent sanction the petitioner s provisional pension and pensionary benefits by taking into account of 50% of the service from 01.12.1992 to 02.12.2002 as a sweeper along with his regular service from 02.12.2002 to 30.06.2012 to arrive at total qualifying service for pension and disburse the arrears thereof with interest within the time stipulated by this Hon'ble Court.

For Applicants : Mr. S.P. Maharajan
Special Government Pleader

ORDER

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

This application is filed to review the order dated 13.03.2020 made in W.A. (MD) No.214 of 2018.

2. This Court is unable to find any error apparent on the face of the record. This Court, even after relying upon the Full Bench of this Court in a batch of Writ Appeals reported in 2019(6) CTC 705, held that the writ petitioners are entitled to the relief. The Writ Appeal filed by the official respondents in the Writ Petition was dismissed specifically directing the appellants to disburse the pensionary benefits to the first respondent in the Writ Appeal within a period of eight weeks. Though a specific ground is raised in the review application with reference to rules, this Court, as seen in several judgments, granted relief to the petitioner in the writ petition as it was done in several cases reported earlier. It is well settled that review is not an appeal in disguise. A review is maintainable only if the error is apparent on the face of record. If an error itself has to be detected by a process of reasoning, the Hon'ble Supreme Court has held that it is not a ground for review.



3. Having regard to scope of Order 47 Rule 1 C.P.C., this Court is unable to find any ground to review the order passed by this Court in W.A.(MD) No.214 of 2018 dated 13.03.2020. Accordingly, this Review Application is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

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Kanyakumari District

+1 CC to M/s.SPL GP (SR-9788[F] dated 03/03/2022)

Review Application (MD) No.40 of 2022
and C.M.P. (MD) No.1251 of 2022
in WA(MD).214 of 2018
02.03.2022

svs(CO)

TR(21.03.2022) 3P 9C