



Rev.Aplc.(MD).156 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Rev.Aplc.(MD).156 of 2022

in

C.R.P.(MD).No.1669 of 2021

The Management
Q 1066, Rajapalayam Consumers Co-operative
Wholesales Stores Limited,
Rajapalayam – 826 117. ... Applicant/Respondent

Vs.

P.Singaraj ...Respondent/Petitioner

PRAYER: Review Application filed under Order 47 Rule 1 read with Section 114 of the Code of Civil Procedure against the Order of this Court dated 06.01.2022 in C.R.P.(MD).No.1669 of 2021.

For Applicant : Mr.V.O.S. Kalaiselvam

For Respondent : Mr.T.Ravichandran

JUDGMENT



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The above application is filed seeking to review the order dated 06.01.2022 in C.R.P.(MD).No.1669 of 2021 in which this Court has passed the following orders:

“4...Therefore, the petitioner shall only be entitled to the documents listed in Serial No.1 and with reference to serial No.2, he will be only entitled to the service registers and disciplinary proceedings in respect of the co-employees, whose names are listed therein. As regards the criminal judgment, the civil revision petition is dismissed. The copies of the documents shall be handed over within 15 days from the date of receipt of a copy or production of this order to the revision petitioner.”

2.The arguments made by the Review petitioner in the Civil Revision Petition was that the petitioner/respondent had been terminated from the service for his misconduct and misappropriation and was convicted for the offence.

3.The case of the Review Applicant is that all the documents relating



to the charges levelled against the respondent in the domestic enquiry which was conducted as early as in the year 1980 had been marked. Many of the documents that are now sought to be produced are not available on account of the fact that Applicant's office has shifted. While shifting, these documents have either been misplaced or destroyed. However, this Court in the order under Review had ordered the production of the documents listed at Sl.Nos.1 and 2 of the petition.

4.The Applicant has now come forward with this Review Application seeking a review of the order dated 16.01.2022. A perusal of the same would indicate that once again the applicant is only seeking to re-argue the matter. No error apparent on the face of the record have been made out and neither is there a contention that a new point has been discovered by them. The plea that was taken by the Applicant in the revision as well as in this review is that the files have been destroyed. It was also contended that the Applicant was in the habit of destroying old files. Therefore, the Review Applicant was directed to file an affidavit to the effect that they are in the habit of destroying the Service Register of their employees as a routine and that the Society has passed a resolution to this effect. The affidavit was directed to be filed on or before 15.12.2022. An affidavit has also been



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filed. A mere reading of the same would clearly indicate that there is no Resolution to destroy the Service Registers and neither is there a statement that the records were destroyed. This is in total contradiction to the contention raised by the Applicant in the Review Petition and also in the course of submission.

Be that as it may, if the Applicant is not in the habit of destroying the Registers then they should be available with the Applicant and the same can be provided for the Respondent's scrutiny. In case the documents are not produced it is well open to the respondent to draw adverse inference for the production. Since no ground for review has been made out, the Review Application is dismissed. No costs.

15.12.2022

Index : Yes/No
Internet : Yes/No
Speaking order / Non speaking order
mps

P.T. ASHA, J,

mps



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