



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Rev.Aplw.(MD) No.161 of 2019
and W.M.P.(MD) No.21121 of 2019
in W.P.(MD) No.18812 of 2018

The General Manager,
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Region, Bypass Road,
Madurai.

... Petitioner / Petitioner

-vs-

1.The Administrator,
The Tamilnadu State Transport Corporation,
Provident Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-600 002.

... Respondent / 2nd Respondent

2. R.Chandran

... Respondent / Petitioner

Prayer: Review Application is filed under Order XLVII Rule 1 and 2 r/w Section 114 of CPC to allow the Review Application and review the order passed in W.P.(MD) No.18812 of 2018 dated 29.08.2018 on the file of this Hon'ble High Court.

Prayer in WP(MD). 18812/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents to settle the petitioners retirement benefits including Provident Fund, Gratuity, IRT Share amount, Earned Leave Wages, Commutation of the Pension and monthly pension payable to him with reasonable rate of interest within the time that may be stipulated by this Honble Court.

For Petitioner : Mr.J.Senthil Kumariah

For R2 : Mr.K.Gokul

O R D E R

The present Review Application has been filed to review the order dated 29.08.2018 passed in W.P.(MD) No.18812 of 2018, by which this Court had directed the Transport Corporation to settle



the terminal benefits payable to the 2nd respondent herein.

2. The present Review Application has been filed by the Management on the ground that the employee, namely, R2 herein had committed the misconduct of misappropriation and was dismissed from service by an order dated 15.02.1999, taking note of his past service records. Subsequently, pursuant to the impugned order dated 22.12.2014 made in I.D.No.42 of 2013 by the Labour Court, Madurai, the 2nd Respondent was reinstated in service without prejudice to the rights of the parties in the Writ Petition filed by the Management in W.P.(MD) No.4096 of 2016.

3. Learned counsel for the Management has submitted that the employee had attained the age of superannuation and suppressing the fact of pendency of W.P.(MD) No.4096 of 2016, the 2nd Respondent filed W.P.(MD) No.18812 of 2018, in which, this Court has passed an order dated 29.08.2018 under review, on the impression that the Award of the Labour Court has not been challenged. Therefore, the order dated 29.08.2018 passed by this Court has to be reviewed on the said sole ground and the Writ Petition has to be restored for fresh hearing.

4. Heard the learned counsel for the parties and perused the material documents available on record.

5. A circumspection of the averments made in the Writ Petition in W.P.(MD) No.18812 of 2018 unravels the fact that there was no whisper with regard to the pendency of W.P.(MD) No.4096 of 2016 filed by the Management and the pendency of the Writ Petition must have been brought to the notice of this Court by the employee, when the writ petition was filed or even on the date of passing of the order. Since the employee has not come with clean hands before this Court and the employee was also charged with a serious allegation of misappropriation, this Court has no other option, but to review the order dated 29.08.2018 passed in W.P.(MD) No.18812 of 2018 and the matter has got to be heard along with W.P.(MD) No.4096 of 2016.

6. The Hon'ble Supreme Court in the case of **S.P.Chengalvaraya Naidu vs. Jagannath**, reported in **(1994) 1 SCC 1**, while dealing with a case on falsehood, has observed as under:

"The courts of law are meant for imparting justice between the parties. One who comes to the court, must come with clean hands. We are constrained to say that more often than not, process of the Court is being abused. Property grabbers, tax evaders, Bank loan dodgers, and other unscrupulous persons from all walks of life find the court process a convenient lever to retain the illegal-gains indefinitely. **We have no hesitation to say that a person, whose case is based on falsehood, has no right to approach the Court. He can be summarily thrown out at any stage of**



the litigation."

7. In the result, finding force in the submission made by the Management, the present Review Application is allowed and the Writ Petition in W.P.(MD) No.18812 of 2018 in which the order under review was passed, is restored. Registry is directed to list both W.P.(MD) No.18812 of 2018 and W.P.(MD) No.4096 of 2016 before the concerned Judge for final hearing in the month of March, 2020. The 2nd Respondent / employee is imposed a cost of Rs.2,500/- payable to the Siddha Clinic attached to this Court, within a period of two weeks from the date of receipt of a copy of this order for obtaining the order by way of suppression of facts. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

The Administrator,
The Tamilnadu State Transport Corporation,
Provident Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-600 002.

Copy to:

The Officer-in-Charge,
Siddha Clinic,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.J.SENTHIL KUMARIAH, Advocate (SR-7086[F] dated 19/02/2020)

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JMN(13.03.2020) 3P : 4C