



Rev. Aplc(MD)No.17 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

REV. APLC(MD)No.17 OF 2021

and

C.M.P(MD)No.2420 of 2021

- 1.The Secretary to Government,
Commercial Taxes and Registration Department,
Secertariat, Chennai – 9.
- 2.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 28.
- 3.The Tribunal for Disciplinary Proceedings,
Trichirapalli,
Represented by its Commissioner. ... Petitioners/Respondents

Vs.

Thiru.S.Subramanian (under Suspension),
Sub-Registrar (Guideline)
Pattukottai,
Thanjavur District. ... Contemnor/Respondent



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PRAYER: Review Application filed under Order 47 Rule 1 read with Section 114 of C.P.C., to review the order dated 03.08.2017 made in W.A(MD)No.1040 of 2012.

For petitioners : Mr.D.Sasikumar,
Additional Government Pleader
For Respondent : Mr.M.Ajmal Khan,
Senior Counsel

ORDER

(Order of the Court was made by **M.S.RAMESH, J.**)

This Review Application has been filed to review the order, dated 03.08.2017 made in W.A(MD)No.1040 of 2012.

2. When the writ petitioner was placed under suspension on 25.11.2019 in connection with the disciplinary proceedings initiated, he had filed a writ petition in W.P(MD)No.1040 of 2012, challenging the charge memo, dated 12.05.2010, together with the order of suspension dated 25.11.2009 and the consequential order not permitting him to retire from service on superannuation, dated 27.11.2009. The writ petition came to be dismissed on 10.09.2012.



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3. As against which, the writ petitioner had preferred an appeal in W.A(MD)No.1040 of 2012. Vide judgment, dated 03.08.2017, the writ appeal was allowed. Consequently, the charge memo as well as the suspension order and the order permitting the petitioner to retire from service were quashed. Thereafter, since the retirement benefits were not disbursed to the petitioner herein, he had filed a contempt petition in Cont.P(MD)No.1311 of 2018. During the pendency of the contempt petition, the present review application has been filed by the State.

4. On a perusal of the grounds raised in the review application, it is seen that apart from placing reliance on the decision of the Hon'ble Supreme Court reported in the case of ***Union of India vs. Kunisetty Satyanarayana [(2006) 12 SCC 28]***, for the purpose of stating that the Courts can interfere with the charge memo and the show-cause notice on certain restricted grounds, no other ground has been raised in the review application.

5. It is needless to point out that the review application can be preferred only to set right the error that may be apparent on the face of



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record. The ground which the petitioner has now taken, seems to be re-appraisal of the earlier grounds raised in the Writ Appeal, which is impermissible. It is not in dispute that the order passed in the writ appeal has become final. While that being so, we do not find any merit in the present review application. Accordingly, the review application stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

[M.S.R.,J.] & [G.R.S.,J.]
28.11.2022

Index : Yes/No

Internet : Yes/No

pm

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ORDER MADE IN
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