



Rev. Appl. No.22 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

Rev. Appl. No.22 of 2022
in W.A.No.194 of 2020

T.Rajendran

.. Applicant

Vs.

1. The Special Officer,
ZC.99, Manakkudi Primary Agricultural
Co-operative Credit Society,
Manakkudi Post, Thirukuvalai Taluk,
Nagapattinam District.
2. The Joint Registrar of Co-op. Societies,
Nagapattinam Region,
Nagapattinam.

.. Respondents

Review Application is filed under Order 47 Rule 1 r/w 114 of CPC to review the order of this Court dated 22.10.2021 made in W.A.No.194 of 2020.

For Applicant : Mr.C.Prakasam

For respondents

for R1 : Mr.C.Selvaraj

for R2 : Mr.S.John J.Raja Singh



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ORDER

(The ORDER of the Court was made by S.VAIDYANATHAN, J)

The review application has been filed to review the order of this Court dated 22.10.2021 made in W.A.No.194 of 2020.

2.The applicant approached this Court by filing a Writ Petition in WP.No.29000 of 2011 challenging the order passed by the first respondent in his proceedings dated 19.11.2011 and consequently direct the respondents to reinstate him into service with all backwages and monetary benefits and the same was allowed by this Court. Aggrieved by the order passed in the Writ Petition, Writ Appeal 194 of 2020 came to be filed by the Co-operative Society.

3.Considering the facts and taking into account the charges levelled against the employee, the Division Bench of this Court has come to the conclusion that the punishment imposed by the Management cannot be said as disproportionate. By coming to such conclusion, the Writ Appeal was allowed and the order of the learned Single Judge was interfered with and



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the punishment was restored. Aggrieved by the order of the Division Bench, Review Application has been filed stating that no termination order can be passed against fair price employee, if the mount involved in the misappropriation is below Rs.10,000/-.

4. The only ground raised by the appellant in this Review Application is that the charges are very filmsy and it not warrants capital punishment.

5. It is now fairly well settled by a series of decisions of this Hon'ble Court as also the Hon'ble Supreme Court that the scope of review is very minimal and it is circumscribed by the provisions of the statute.

6. A Division Bench of this Court in ***R.Mohala Vs. M.Siva and others*** in ***Review Petition No.61 of 2018 and WMP.No.10818 and 10819 of 2018*** decided on ***25.04.2018***, in which one of us (SVNJ) was a member, had elaborately discussed the scope of review in Paragraph Nos.7 and 8 therein and held as follows:

“7.The basic principle to entertain the review under



Order 47 Rule 1 C.P.C. is to correct the errors but not to substitute a view. The judgment under review cannot be reversed (or) altered taking away the rights declared and conferred by the Court under the said judgment; once a judgment is rendered, the Court becomes functus officio and it cannot set aside its judgment or the decree; no inherent powers of review were conferred on the Court; the review Court cannot look into the trial Court judgment; it can look into its own judgment for limited purpose to correct any error or mistake in the judgment pointed out by the review petitioner without altering or substituting its view in the judgment under review; the review court cannot entertain the arguments touching the merits and demerits of the case and cannot take a different view disturbing the finality of the judgment; the review cannot be treated as appeal in disguise, as the object behind review is ultimately to see that there should not be miscarriage of justice and shall do justice for the sake of justice only and review on the ground that the judgment is erroneous cannot be sustained.

8. It is settled law that even an erroneous decision cannot be a ground for the Court to undertake review, as the first and foremost requirement of entertaining a review petition is that the order under review of which is sought, suffers from any error apparent on the face of the order and



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in absence of any such error, finality attached to the judgment/order cannot be disturbed.”

7. In the result, finding no merit or reason whatsoever in the Review Application, this Application deserves to be dismissed. Accordingly, this Review Application stands dismissed. No costs.

(S.V.N.J.) (R.V.J.)
19.09.2023

Speaking Order: Yes / No
pvs

To

1. The Special Officer,
ZC.99, Manakkudi Primary Agricultural
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Nagapattinam District.
2. The Joint Registrar of Co-op. Societies,
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