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Review Application Nos.32 to 34 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Review Application Nos.32 to 34 of 2022

and

W.M.P.Nos.6200 & 6203 of 2022

1.The State of Tamil Nadu,
Rep. by The Principal Secretary to Government,
School Education Department,
Fort St. George, Chennai – 600 009.

2.The Director of Public Libraries,
Anna Salai, Chennai.

3.The District Library Officer,
1st Floor, District Central Library Building,
Chengam Saalai,
Thiruvannamalai – 606603.

... Applicants
(in all Rev.Applns)

Vs.

1.V.Sudhahar Saravanan

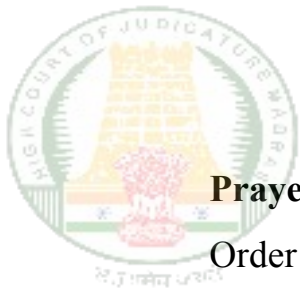
... Respondent
in Rev.Appln.No.32 of 2022

2.S.Krishnan

... Respondent
in Rev.Appln.No.33 of 2022

3.K.Jayachandran

... Respondent
in Rev.Appln.No.34 of 2022



Prayer in Rev.Appln.No.32 of 2022: Review Application filed under Order 47 Rule 1 and 2 read with Section 114 of Civil Procedure Code, to review the order dated 13.08.2018 made in W.P.No.4817 of 2018.

Prayer in Rev.Appln.No.33 of 2022: Review Application filed under Order 47 Rule 1 and 2 read with Section 114 of Civil Procedure Code, to review the order dated 13.08.2018 made in W.P.No.4818 of 2018.

Prayer in Rev.Appln.No.34 of 2022: Review Application filed under Order 47 Rule 1 and 2 read with Section 114 of Civil Procedure Code, to review the order dated 13.08.2018 made in W.P.No.4819 of 2018.

For Applicants : Mr.Abishek Murthy
Government Advocate
(in all Rev.Applns)

For Respondents : R.Prem Narayan
(in all Rev.Applns)

COMMON ORDER

These review applications have been filed to review the common order passed by this Court on 13.08.2018 passed in W.P.Nos.4817, 4818 and 4819 of 2018.



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2. The Writ Appeal filed by the State was dismissed with liberty to file review application before this Court. Thus, the applicants have chosen to file these review applications. The Full Bench of this Court in the case of ***Government of Tamil Nadu Vs. R.Kaliyamoorthy*** reported in ***[2019 (6) CTC 705]*** decided the issues with reference to the amended Rule 11(4) of the Tamil Nadu Pension Rules, 1978 for the purpose of granting of benefit of counting of 50% of the temporary services rendered by the Government employees.

3. The condition stipulated under Rule 11(4) of the Tamil Nadu Pension Rules, 1978 was also taken note by the Full Bench and therefore, the applicants State Government Authorities are bound to follow the ratio laid down by the Full Bench in the case (cited *supra*). This Court also directed the authorities to reconsider the issues with reference to the facts and circumstances and therefore, the authorities competent are empowered to consider the facts of each case and apply the principles laid down by the Full Bench and also the conditions stipulated under Rule 11(4) of the Tamil Nadu Pension Rules, 1978 and accordingly, take a decision on merits.



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4. Thus, this Court is of the considered opinion that there is no error apparent and after passing of the order in the Writ Petition, the Full bench considered the issues and passed a judgment and accordingly, the applicants / authorities are bound to follow the judgment of the Full Bench along with the conditions stipulated under Rule 11(4) of the Tamil Nadu Pension Rules, 1978 for the purpose of considering the cases of the respondents.

5. With these clarifications, these Review Applications stand disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

09.03.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



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S.M.SUBRAMANIAM, J.

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Nos.32 to 34 of 2022

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