



Rev. Aplw. No.101 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Review Application No.101 of 2023  
in W.P.No.27973 of 2021

N.Manivel

.. Applicant

Vs

1. The Principal District Judge  
Dharmapuri District,  
Dharmapuri.

2. The District Munsif cum Judicial Magistrate  
Pennagaram,  
Dharmapuri District.

.. Respondents

Prayer: Review Application filed under Order 47 Rule 1 CPC read with Section 114 of CPC seeking to review the order dated 24.01.2022 made in W.P. No.27973 of 2021.

For the Applicant : Mr.A.E.Ravichandran

For the Respondents : Mr.Haja Mohideen Gisthi



Rev. Aplw. No.101 of 2023

**ORDER**

(Order of the Court was made by The Hon'ble Chief Justice)

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The applicant seeks review of the order passed by a Co-ordinate Bench of this Court dated 24.2.2022 in W.P.No.27973 of 2021.

2. The applicant had sought appointment on compassionate ground with the respondents. The respondents rejected the application of the applicant for appointment on compassionate ground. Aggrieved thereby, the applicant filed W.P.No.27973 of 2021. The same is dismissed.

3. Learned counsel for the review applicant strenuously contends that this court did not consider G.O.Ms.No.155, dated 10.12.2014 in proper perspective. The father of the review applicant pre-deceased the mother. The mother was given appointment on compassionate ground. She also died in the year 2008. Immediately, the grandmother of the review applicant filed an application for appointment of the review applicant on compassionate ground. On the date of the death of the applicant's mother, the applicant was seven years of age. Upon attaining the age of majority in the year 2019, the



Rev. Aplw. No.101 of 2023

applicant again filed an application seeking appointment on compassionate ground. The same was rejected.

4. Learned counsel for the review applicant submits that today also the applicant is indigent. The corrigendum issued to the said government order is self-explanatory. The corrigendum very specifically says that if the person was a minor on the death of the employee between 2005 and 2010, then he can be considered for appointment upon attaining 18 years of age. The said aspect ought to have been considered by the court. The government order dated 10.12.2014 ought to be considered liberally in the light of the scheme and the purpose of the government order.

5. Learned counsel for the applicant further submits that the scheme prevailing as on the date of the death of the applicant's mother ought to have been considered.

6. Learned counsel for the applicant relies upon the judgment of the Apex Court in the case of *The Secretary to Government, Department of Education (Primary) and others v. Bheemesh alias Bheemappa, 2021 SCC OnLine SC 1264*, to submit that the policy as

Page 3 of 7



Rev. Aplw. No.101 of 2023

prevailing on the date of application ought to be considered.

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7. We have considered the submissions canvassed by learned counsel for the review applicant. We have also gone through the judgment.

8. It is trite that the jurisdiction of this court in entertaining a review is in a narrow compass. The review cannot be entertained as an appeal in disguise.

9. It would appear that this court while dismissing the writ petition filed by the applicant has considered the government order dated 10.12.2014 threadbare and has also considered the judgments of the Apex Court and the earlier judgments of the Division Bench of this court.

10. The purpose for appointment on compassionate ground is to provide immediate succour to the family of the deceased dying in harness. The father of the applicant was in employment with the respondents. He died on 25.8.2006. The mother of the applicant was provided appointment on compassionate ground by the respondent.

*Page 4 of 7*



Rev. Aplw. No.101 of 2023

She too died in 2008. 15 years have passed by. The Division Bench of this court relied upon the judgments of the Apex Court in the cases of *Jagadish Prasad v. State of Bihar*, (1996) 1 SCC 301 and *Haryana State Electricity board v. Naresh Tanwar*, (1996) 8 SCC 23.

11. As the government order relied upon by the applicant has been considered by the Division Bench of this court and considering the long time gap, the prayer of the applicant cannot be considered.

The review application, as such, is disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

16.11.2023

Index : Yes/No  
Neutral Citation : Yes/No  
sasi



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Rev. Aplw. No.101 of 2023

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