



Rev.Appl.No.192 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2023

CORAM

**THE HON'BLE MR. JUSTICE R.SUBRAMANIAN
and
THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

Review Application No.192 of 2021

C.Kumar

... Petitioner

vs.

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

2.The Director of Technical Education,
Directorate, Guindy, Chennai – 600 025.

3.The Principal,
Annamalai Polytechnic,
Chettinad – 623 102.

... Respondents

Review Application has been filed under Order XLVII Rule 1
r/w Section 114 of the Civil Procedure Code, against the order passed
in W.A 2590 of 2018 dated 27.06.2019 dismissing the writ appeal.

For Review Petitioner : Mr.S.N.Ravichandran

For Respondent : Mr.L.S.M.Hasan Fizal,
Additional Government Pleader



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ORDER

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(Order of the Court was made by R.SUBRAMANIAN,J.)

The petitioner seeks review of the order of the Division Bench made in W.A.No.2590 of 2018 dated 27.06.2019.

2. The Division Bench found that the petitioner having resigned from the pensionable post after the crucial date viz., 05.06.1981 fixed in G.O.Ms.No.1015 Education, dated 05.06.1981, is not entitled to pension.

3. Mr.S.N.Ravichandran, learned counsel appearing for the review petitioner would vehemently contend that the Government in the grounds of appeal did not raise such a contention.

4. We do not think that non-raising of a ground regarding entitlement of the petitioner would be a ground to review the order of the Division Bench. It is not as if the Division Bench is powerless to interfere when it found that the petitioner is not entitled to pension on the admitted facts.



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5. The learned counsel would invoke Rule 23(1) of Pension Rules. We do not think that Rule 23(1) of Pension Rules would apply to the present case as the petitioner has not taken up another Government service after his resignation.

6. We therefore do not see any ground to review the order of the Division Bench. Hence, this review application is **dismissed**. No costs.

[R.S.M.,J.] [S.S.K.,J.]
20.01.2023

Index : No
Internet : Yes
Speaking order
dsa



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To
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R.SUBRAMANIAN,J.
and
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