



WEB COPY



Review Appln.(Writ) No.135 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

Rev.Appln.(writ) No.135 of 2023

S.T.Balamuragan

... Review Petitioner

Vs.

1. Union of India, rep. by the Controller General of Accounts,
M/o Finance, Department of Expenditure, E Block,
INA, Mahalekha Niyantrak Bhawan,
New Delhi 110023.
2. The Principal Chief Controller of Accounts,
M/o Home Affairs, Heritage Building,
MDC National Stadium, New Delhi 110 002.
3. The Senior Accounts Officer (Admn),
O/o the Principal Accounts Office (Admn),
M/o Home Affairs, Room No.6, 2nd floor,
Open Gallery, MDC National Stadium,
New Delhi 110002.
4. The Senior Accounts Officer (Admn),
Regional Pay & Accounts Office,
CISF, MHA, "D' Wing, Rajaji Bhawan,
Besant Nagar, Chennai 600 0090.



Review Appln.(Writ) No.135 of 2023

5. The Director General, All India Radio,
Parliament Street, New Delhi 110 001.

6. The Deputy Director (Engineering))/HOO,
Doordarshan Kendra, Altinho,
Panaji, Goa 03 001.

7. The Assistant Estate Manager,
Director of Estates, Shastri Bhawan,
Nungambakkam, Chennai 600 006.

8. The Registrar, Central Administrative Tribunal,
High Court Campus, Chennai 600 104.

... Respondents

Prayer: Review Application filed under Order 47 Rule 1 r/w Section 114 of CPC and under Article 226 of the Constitution of India to review the order passed by this Court in W.P.No.17134/2020, dated 27.06.2023 and dismiss the writ petition, with cost.

For petitioner : Mr.P.Ulaganathan

ORDER

(Order of the Court was delivered by P.DHANABAL, J.)

This Review application has been filed by the second respondent in the writ petition as against the final order passed by this Court in W.P.No. 17134/2020, dated 27.06.2023 and to dismiss the writ petition, without cost.



Review Appln.(Writ) No.135 of 2023

2. The above writ petition was filed by the Union of India, against the order passed by the Tribunal in O.A.No.1459/2017, dated 14.02.2020, in and by which, the speaking order passed by the writ petitioners dated 29.08.2017, rejecting the claim of the review applicant for absorption, was set aside.

3. Upon hearing both side and after perusing the materials on record, this Court has allowed the writ petition, vide order dated 27.06.2023, by setting aside the order passed by the Tribunal. Now, the present review application has been filed to review the above said order passed in the writ petition and to dismiss the writ petition.

4. The contention of the review applicant is that, the respondents/writ petitioners had stated that there is no vacancy in Chennai, but they have issued a notification, calling for applications to fill up 60 DRQ vacancies in the grade of Accountant on deputation basis in various stations, in which, two vacancies in Chennai have been shown. According to the applicant, erroneous misstatement on the face of the records was made by the writ petitioners stating that there is no absorption, however, they have absorbed fresh



Review Appln.(Writ) No.135 of 2023

candidates. The review applicant has also raised various grounds in the review application.

5. The main contention of the applicant is that, he is fully qualified for absorption as Accountant on deputation basis. However the representations given by him was not considered, till his completion of two years of meritorious service on deputation in the office at Chennai, but, similarly placed persons were selected and appointed on deputation and then, they got absorbed as Accountants.

6. While passing the final order in W.P.No.17134/2020, dated 27.06.2023, at paragraph No.13, the Division Bench of this Court has relied upon the representation given by the review applicant herein for extension of his tenure for his deputation, wherein, he made a statement that, he is fully satisfied with the speaking order and nothing to represent against the same and also his extension of time shall not entitle him any right to claim any absorption as a matter of right. Further, the learned counsel for the applicant has pointed out that at paragraph No.20 of the order passed in the writ petition,



Review Appln.(Writ) No.135 of 2023

the speaking order dated 05.07.2016 passed by the respondents/writ petitioners has been wrongly typed as 05.07.2011, however, it is only a typographical error.

7. At this juncture, it is useful to rely upon the decision of the Hon'ble Supreme Court in ***Perry Kansagra V.Smriti Madan Kansagra reported in (2019) 20 SCC 753***, wherein, the Apex Court has held that, while exercising the review jurisdiction in an application under Order 47 Rule 1 r/w Section 114 of CPC, the Review Court does not sit in appeal over its own order. Further it was observed that a rehearing o the matter was impermissible in law and the same cannot be considered as an appeal in disguise and the power of review can be exercised for correction of a mistake, but not to substitute a view.

8. In the writ petition, entire submission made by both the parties were considered by this Court and after making elaborate discussion has passed the detailed and reasoning order. Further, there is no ground raised in the review application, to review the order passed in the Writ petition. Therefore, we are



Review Appln.(Writ) No.135 of 2023

of the view that, in the light of the decision of the Hon'ble Supreme Court as stated supra, we do not find any reason to review the order passed in the writ petition and hence, this review application cannot be entertained.

9. At this juncture, the learned counsel for the applicant seeks liberty to approach the authorities concerned seeking absorption in the respondent department.

10. Accordingly, this review application is dismissed with liberty to the applicant to approach the authorities concerned seeking absorption, if permissible under law.

(D.K.K.J.)

(P.D.B.J.)

13.10.2023

Note: Issue order copy on or before 16.10.2023.

Internet: Yes/No

Index : Yes/No

mst



WEB COPY



Review Appln.(Writ) No.135 of 2023



WEB COPY



Review Appln.(Writ) No.135 of 2023

D.KRISHNAKUMAR, J.

and

P. DHANABAL, J.

mst

Rev.Appln.(writ) No.135 of 2023

13.10.2023