



Rev. Aplw. No.152 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

Review Application No.152 of 2023
in W.P.No.11779 of 2017

1.C.Vijaya Baskar
2.P.Senthilkumar
3.S.Selvam
4.S.Prakash

.. Applicants

vs.

1.The Government of Tamil Nadu,
rep. by its Secretary,
Rural Development & Panchayat Raj Department,
Fort St. George, Chennai-9.

2.The Director of Rural Development &
Panchayat Raj Department,
Panagal Building,
Saidapet, Chennai-15.

.. Respondents

Prayer: Review Application filed under Order 47 Rule 1 CPC read with Section 114 of CPC seeking review of the final order dated 21.08.2023 passed in W.P.No.11779 of 2017 on the file of this Court.



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For the Applicants : Mr.N.Subramaniyan
For the Respondents : Mrs.R.Anitha
Spl. Government Pleader
assisted by
Mr.T.K.Saravanan
Government Advocate

ORDER

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

We have heard Mr.N.Subramaniyan, learned counsel for the applicants and Mrs.R.Anitha, learned Special Government Pleader, assisted by Mr.T.K.Saravanan, learned Government Advocate for the respondents.

2. The present review application is filed to review the order dated 21.8.2023 passed by this Court in W.P.No.11779 of 2017.

3. Mr.N.Subramaniyan, learned counsel for the applicants, submits that in paragraph 9 of the order under review, this Court has observed that a person working as an Assistant Engineer for a period of five years is considered for promotion to the post of Assistant



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Executive Engineer, so also the person working for not less than five years as a Junior Engineer can also be considered, but prior to that, the Junior Engineer necessarily has to render service of fifteen years in the post of Overseer before he is promoted to the cadre of Junior Engineer. According to him, such person has to render the service for only seven years and not fifteen years on the post of Overseer. There is factual error. The same would not make material difference so far as merits of the matter is concerned.

4. Learned counsel for the applicants also submits that the judgments of the Supreme Court in the case of *Dilip Kumar Garg and others v. State of U.P.*, reported in (2009) 4 SCC 753, and in the case of *P.Murugesan and others v. State of Tamil Nadu and others*, reported in (1993) 1 LLJ 944 SC, referred to in the order under review, ought not to have been relied upon, inasmuch as they are based on different set of facts. The Diploma holders and the Degree holders were part of the same category, whereas in this case they are from different categories and different services.

5. We have relied upon those judgments for considering the ratio laid down therein.

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6. In the light of the above, the review application stands disposed of. There will be no order as to costs. Consequently, W.M.P.No.26826 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

13.10.2023

Index : yes/no
Neutral Citation : Yes/No
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To:

- 1.The Secretary,
Government of Tamil Nadu,
Rural Development & Panchayat Raj Department,
Fort St. George, Chennai-9.
- 2.The Director of Rural Development & Panchayat Raj Department,
Panagal Building,
Saidapet, Chennai-15.



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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

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