



Rev.Appl.No.200 of 2023
in
W.A.(MD).No.945 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 02.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

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1.M.Krishnamoorthi
2.M.Paramasivam
3.D.Srinivasan
4.G.Kannan
5.K.Santhanakumar
6.C.Rajendran

... Applicants

Versus

1.D.Rajan

2.The State of Tamilnadu
Rep.by its Secretary
School Education Department
St.George Fort, Chennai 600 009.

3.The Director of School Education
DPI Campus, College Road
Chennai 600 006.



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4.The Joint Director (Higher Secondary)
DPI Campus, College Road
Chennai 600 006.

- 5.M.Lingeswari
- 6.K.Sivabala
- 7.A.Marimuthu
- 8.C.Jeyarani
- 9.C.Panneer Selvam
- 10.N.Murugesan
- 11.A.Muniappan
- 12.K.Dhivyanathan
- 13.P.Mukilan
- 14.V.Muthukumaran
- 15.R.Jeyakumar
- 16.A.Ramesh
- 17.S.Arockiya Raja
- 18.S.Bharathi Raja
- 19.S.Dhanababukumar
- 20.G.Rangasamy
- 21.B.Revathi
- 22.R.Ramesh
- 23.T.Tamilselvi
- 24.K.Palanisamy
- 25.A.Sakthivel
- 26.A.John Wilfare Ponraj
- 27.C.Muthukumar
- 28.K.Kannan
- 29.R.Perumalsamy
- 30.K.Thirumuruganantham
- 31.M.Palanichamy
- 32.P.Karnan
- 33.P.Kesavapandiyan

.. Respondents



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PRAYER : Review Application is filed under Section 114 r/w Order 47 Rule 1 of C.P.C. to review the order made in W.A.(MD).No.945 of 2018 dated 23.03.2023 (on the file of the High Court, Madras) and set aside the same and allow the petitioners to continue as Headmasters, High School.

For Applicants : Mr.R.Saseetharan

For Respondents : Mr.Ajmalkhan
Senior Counsel
for M/s.Ajmal Associates for R1

Mr.G.Ameedius for R2 to R4
Government Advocate

ORDER

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

Adverting to the review filed by Mr.Saseetharan, learned counsel for the petitioner, his grievance is that we have not taken notice of Rule 13 of the Fundamental Rules of the Tamil Nadu Government, which provides for retention of lien.



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2. Rule 13 reads as follows:

"Rule 13.--Retention of lien:

Unless his lien is suspended under Rule 14 or transferred under Rule 14 B, a Government servant holding substantively a permanent post retains a lien on that post--

- (a) while performing the duties of that post;
- (b) while on foreign service, or holding a temporary post or officiating in another post;
- (c) during joining time or transfer to another post; unless he is transferred substantively to a post on lower pay in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the old post;
- (d) while on leave other than refused leave granted after the date of retirement under Rule 86 or corresponding other rules; and
- (e) while under suspension."

3. None of the contingencies set out in Clauses (a) to (e) of Rule 13 arise in this case. Rule 12(A) very clearly provides that upon substantive appointment any permanent post and on acquisition of a lien in that post, the lien in the previous post will cease. Rule 14(A) also affirms the same.



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4. Hence, we do not find any ground to review the order passed by us.

Accordingly, the Review Application is dismissed.

(R.S.M.J.) (K.G.T.J.)
02.11.2023

Speaking order: Yes
Index : No
pvs

Note: I.T.on 07.11.2023

To

- 1.The Secretary
School Education Department
St.George Fort, Chennai 600 009.
- 2.The Director of School Education
DPI Campus, College Road
Chennai 600 006.
- 3.The Joint Director (Higher Secondary)
DPI Campus, College Road
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