



WEB COPY



W.A.No.232 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.232 of 2023

1. R.Baskar

2. A.Palanirajan

.. Appellants

v.

1. S.Balaji

2. The Returning Officer

Deputy Registrar

T.N.C.P.C.Bank General Body Election

T.N.C.P.C. Bank (Tamil Nadu Circle

Postal Co-operative Bank Ltd)

No.18/19, Jehangir Street

Second Line Beach Road

Chennai 600 001

3. The Deputy Secretary to Government of India

Ministry of Personnel

Public Grievances and Pension, North Block

New Delhi 110 001



W.A.No.232 of 2023

4. S.Balasubramanian
5. G.B.Pradeepkumar
6. K.A.Sultan Mohideen

7. The Postmaster General
Tamil Nadu Postal Circle
Chennai 600 002

.. Respondents

Appeal filed under Clause 15 of the Letters Patent, against the order dated 16.11.2022 passed in Review Application No.241 of 2022 in W.P.No.18235 of 2022.

For Appellant :: Mr.E.Vinothkumar

For Respondents :: Mr.K.Ramanamoorthy
Central Government
Standing Counsel for R3 & R7

JUDGMENT

(Judgment of the Court was made by the Hon'ble Acting Chief Justice)

This writ appeal has been directed against the impugned order dated 16.11.2022 passed in Review Application No.241 of 2022 in Writ Petition No.18235 of 2022.

2. At the outset, this writ appeal is not legally maintainable, in view of the provision of Order XLVII, Rule 7(1) of the Code of Civil Procedure,



W.A.No.232 of 2023

WEB COPY

which reads as under:-

"(1) An order of the Court rejecting the application shall not be appealable; but an order granting an application may be objected to at once by an appeal from the order granting the application or in an appeal from the decree or order finally passed or made in the suit."

3. A perusal of the above legal provision shows that an order of the Court rejecting the review application shall not be appealable, but an order granting an application may be objected to at once by an appeal from the order granting the application. Secondly, the impugned order clearly shows that the appellant failed to point out any error apparent on the face of the record. Thirdly, the Hon'ble Full Bench of this Court in the case of *District Collector and others v. N.Udayappan and another*, (2021) 2 CTC 369, has succinctly held in paragraph 61(iv) that ordinarily, an order refusing to entertain a review against an order passed under Article 226 of the Constitution and, thereby, not entertaining the further material sought or grounds to be relied upon or reconsidering the original basis of the order,



W.A.No.232 of 2023

WEB COPY

would not be appealable. The Hon'ble Full Bench has also held in paragraph 61(ii) that an appeal would lie against an order passed in a review of the order under Article 226 of the Constitution, even if the original order is retained, once the review petition is entertained and the additional material or grounds that are referred to or urged are considered or a further consideration on merits is evident from the order. In the case on hand, the review application was not even entertained and no additional material or grounds were urged or argued, as the Court has threadbare dealt with all the arguments of the writ petitioner and touched upon all the grounds made in the writ petition.

4. For the aforementioned three reasons, the writ appeal stands dismissed. Consequently, C.M.P.Nos.2438, 2439 & 2441 of 2023 are also dismissed. However, there shall be no order as to costs.

Speaking/Non speaking order

(T.R.,A.C.J.) (D.B.C.,J.)

Index : yes/no

09.02.2023

SS



W.A.No.232 of 2023

To

WEB COPY

1. The Deputy Secretary to Government of India
Ministry of Personnel
Public Grievances and Pension, North Block
New Delhi 110 001
2. The Postmaster General
Tamil Nadu Postal Circle
Chennai 600 002



WEB COPY



W.A.No.232 of 2023

THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

SS

W.A.No.232 of 2023

09.02.2023