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Rev.Aplc.Nos.61 to 72 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Rev.Aplc.Nos.61 to 72 of 2022

Rev.Aplc.No.61 of 2022:-

1.The Secretary to Government
Rural Development & Panchayat Raj Department
Fort St.George
Chennai – 600 009.

2.The Director
Rural Development & Panchayat Raj Department
Panagal Building, Saidapet
Chennai – 600 015.

3.The District Collector
Villupuram District
Villupuram.

4.The District Employment Exchange
Villupuram
(Impleaded as 5th respondent as per order
of this Court dated 22.12.2015)
...Applicants/Respondents

Vs.

1.V.Murugan
S/o V.Varadaraju

...Respondent/Petitioner



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2.The Block Development Officer
Koliyanur Panchayat Union
Villupuram District.

...Respondent/Respondent

PRAYER : Review Application filed under XLVII Rule 1 of CPC read with Section 114 of CPC, to review the order dated 22.12.2015 made in W.P.No.4136 of 2015.

For Review Petitioners	:	Mr.Silambanan, AAG assisted by Mrs.S.Mythreye Chandru, SGP
For Respondent	:	Dr.R.Sampathkumar for R1

COMMON ORDER

Challenging the orders dated 22.12.2015 made in W.P.Nos.4136, 4137, 4138, 4139, 4140, 4141, 4142, 4143, 4144, 4145, 4146 and 4147 of 2015, the present Review Applications have been filed by the applicants.

2.It is the case of the review applicants that the Government of Tamilnadu launched a special scheme for Thane Cyclone affected areas in the name of “Thane Housing Scheme” for the benefit of people affected by Thane Storm in the rural areas and earmarked Rs.1000/- Crores to replace damaged houses in the Thane Cyclone affected Districts of Cuddalore and Villupuram.



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Under the said scheme, houses were constructed to the people who lost their houses. In order to implement the scheme, the Government sought for eligible candidates from the employment exchange who have possessed diploma in Civil Engineering including technical assistants for the above stated project. Accordingly, eligible candidates were selected and appointed as technical assistants for construction of houses in the Cyclone affected areas in Villupuram and Cuddalore District.

3.Though the 1st respondent (in all the review applications) were selected for the post of technical assistant, their claim was not considered by the review applicants and hence they filed a batch of Writ Petitions and this Court while disposing the Writ Petitions, directed the review applicants as follows:-

“13.In view of the above undisputed facts, the prayer of the petitioner that he should be given first priority while recruiting the fresh candidates for the post of overseer or other equivalent posts cannot be considered in view of the stand taken by the respondent that appointment of overseer is governed by special rules. However, this Court is of the considered opinion that the petitioner should be given opportunity in the existing as well as in future vacancies, if he is otherwise qualified.



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Appointment to the petitioner cannot be denied merely because his name is transferred from live order register to dead order register.

14.In view of my above finding, the writ petition is allowed on the following terms – (a) the fourth respondent viz. District Employment Exchange, Villupuram is directed to restore the seniority of the petitioner and (b) the respondents are directed to consider the name of the petitioner for appointment in existing and future vacancies by giving necessary age relaxation, if he is otherwise qualified. No costs.”

4.The learned Additional Advocate General appearing for the review applicants would submit that the 1st respondent (in all the review applications) were appointed in the year 2013, purely on temporary basis. They were not issued with appointment orders. Based on the G.O. (2D)No.1, Rural Development and Panchayat Raj (E5) Department, dated 06.01.2014, services of the 1st respondent was extended beyond 08.11.2013 till 07.11.2014 and all of them were terminated from service on 07.11.2014. The District Employment Office, Villupuram, vide its Roc.No.A2/1332/2016 dated 31.03.2016 intimated that the names of the 1st respondent were not cancelled and it is still in the “live register”. However, in the subsequent years, while filling up the post of



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overseer/Junior Draughting Officer, through Employment Exchange by Direct Recruitment, the 1st respondent (in all the review applications) names were not found in the employment list due to change of “Employment seniority-cum-roaster-Turn No” and hence, the review applicants prayed to review the Judgment of this Court.

5.Heard the learned Additional Advocate General, appearing for the review applicants and the learned counsel appearing for the 1st respondent.

6.The grounds raised by the review applicants, in my considered opinion is beyond the scope of the provisions of Order 47 Rule 1 CPC and the law laid down by the Hon'ble Supreme Court and the Hon'ble High Court. The review applicants in the guise of the review petitions want this Bench to re-write its Judgment, which is not possible under review jurisdiction. As already stated above, review is not an appeal in disguise and there is no error apparent on the face of the record. Further, in the case of *Lily Thomas v. Union of India*, reported in (2000) 6 SC 224, it is observed by the Honourable Supreme Court that the power of review can be exercised for correction of a mistake, but not to substitute a view.



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7.In the light of the settled proposition of law, this court is of the view that the review applicants are trying to seek a re-hearing of the matters which is not within the scope of the review. It is beyond any doubt or dispute that the review court does not sit in appeal over its own order.

8.In such view of the matter, this Court finds that no grounds of review is made out. Accordingly, the Review Applications are dismissed. No costs.

09.02.2023

Index:Yes/No
Internet:Yes/No
Neutral citation:Yes/No
Speaking order/Non-speaking order
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To
The Block Development Officer
Koliyanur Panchayat Union
Villupuram District.



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J.NISHA BANU,J.

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