



REV.APLC.(MD)No.78 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.09.2023

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

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- 1.The Chief Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Chennai.
 - 2.The Chairman cum
Director General of Police,
Tamil Nadu Uniformed Services Recruitment Board,
Chennai.
 - 3.The Member Secretary cum
Inspector General of Police,
Tamil Nadu Uniformed Services Recruitment Board,
Chennai.
 - 4.The Member cum
Additional Director General of Police,
Tamil Nadu Uniformed Services Recruitment Board,
Chennai.
- ...Review Applicants

/Vs./

A.Ilayaraja Athmanathan

...Respondent



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PRAYER: Review Application - filed under Order 47 Rule 1 r/w 114 of the Civil Procedure Code to review the order dated 04.08.2023 made in W.A.(MD)No.1153 of 2015.

For Review
Applicants

: Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.T.Amjad Khan
Government Advocate

ORDER

(Order of the Court was made by **DR.ANITA SUMANTH , J.)**

This review application has been filed by the State to bring to the notice of the Court that batta has been paid in respect of service on the sole respondent.

2.We had vide order dated 04.08.2023 reiterated the dismissal of the writ appeal on 26.06.2018. The dismissal was premised on the fact that on 26.06.2018, the State was asked to take steps to complete service on or before 10.07.2018 failing which the writ appeal shall stand dismissed in limine.

3.On 04.08.2023, the dismissal was reiterated as no material was placed before us in regard to compliance with order dated



26.06.2018. Thereafter, the State appears to have noticed that batta had in fact been remitted on 10.07.2018 per order of the Court dated 26.06.2018 under S.R.No.27231 of 2018.

4.The appeal challenged the order of the writ Court allowing the writ petition on 23.12.2009. In that writ appeal, the main ground of the State was that the case of other petitioners under the common judgment dated 23.12.2010 had been considered by the Division Bench of this Court in W.A.(MD)No.1719 of 2010 on 23.12.2021 and answered in favour of the State.

5.Thus the State wanted the benefit of that order in the present writ appeal as well. In fact at para 3 of the order dated 04.08.2023, which is sought to be reviewed in the present review petition, we have stated as follows:

“3.Learned Additional Advocate General requests that if at all, a request is made by the writ petitioner for enforcement of order dated 23.12.2009, the appellants may have the liberty of considering such request in light of the judgment of the Division Bench of this Court in W.A.(MD)No. 1719 of 2010 etc., batch dated 23.12.2010.”

6.Thus the State had obtained the benefit that they sought for in appeal, despite dismissal of the same. Now, we have found that no ground for review has been made out, insofar as the SR number that is



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now given before us could well have been produced even on 04.08.2023, but was not. In fact, had the State entertained any doubt at that point in time that direction in order dated 26.06.2018 had been complied with, time could have been sought before the Bench, but no such request was made.

7.However, the second limb of Order 47 Rule 3 of the CPC does give the Court sufficient elbow room to consider other circumstances under which review may be considered. Bearing in mind the facts and circumstances of this case, we allow the present review petition and as a consequence the writ appeal as well, however reiterating the direction for donation at para 4 of the order dated 04.08.2023 for immediate compliance.

[A.S.M.J.] & [R.V.J.]
29.09.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes
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To
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The Presiding Officer,
Labour Court,
Tirunelveli.



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DR.ANITA SUMANTH, J.
AND
R.VIJAYAKUMAR, J.

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Order made in
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29.09.2023