



W.M.P.No.8537 of 2023 in
Rev.Aplw.SR.No.24622 of 2023

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against W.P.No.18071 of 2009

D.BHARATHA CHAKRAVARHY,J.

W.M.P.No.8537 of 2023 is filed to condone the delay of 230 days in filing the review application.

2. The review application is filed by the petitioner herein as against the judgment of this court dated 13.04.2022 in W.P.No.18071 of 2009.

3. By the said order, the writ petition was allowed. The operative portion, contained in paragraph 21 of the order dated 13.04.2022, is extracted hereunder:

"21. However, it is seen that the petitioner has since superannuated from service. Therefore, the writ petition is allowed in the following terms:

(i) the impugned order dated 12.01.1996 passed by the second respondent and dated 12.07.2008 passed by the first respondent, are quashed.

(ii) The respondents are directed to re-work the



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pay and allowances of the petitioner as if the order of with-holding of increments, was not there and accordingly determine his last drawn pay and retiral benefits.

(iii)The petitioner however, will not be entitled to actual arrears of pay till the date of service, but he will be entitled to arrears on the retiral benefits and pension from the date of superannuation on such revised pay.

(iv)The petitioner will not be entitled to any interest on the arrears of the amounts to be paid to him.

(v)The above exercise should be carried out within a period of two months from the date of receipt of a copy of this order.”

4. Of the aforesaid directions, the petitioner is aggrieved of clause (iii), whereby, this court has restricted the actual arrears of pay to the retiral benefits and pension alone from the date of superannuation on such revised pay. The petitioner is aggrieved, as the same, according to him, results in monetary loss to him.

5. The said order is passed consciously by considering the case



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of the petitioner. If at all the petitioner is aggrieved by the same, the petitioner has other remedies and an appeal cannot be in disguise of a review. The grounds mentioned in the review application are nothing but grounds of appeal. There is no error on the face of the record or omission of consideration of any material nor any new material is placed before this court, which could not be placed at the time of hearing of the writ petition.

6. The petitioner seems to be aggrieved of the considered decision of this court. In that case, filing a review application is not a remedy, since no ground of review is made out. Thus, W.M.P.No.8537 of 2023 stands dismissed. Consequently, the review application also stands dismissed at the SR stage itself. There shall be no order as to costs.

05.06.2024

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