



WEB COPY

Review Application No.61 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and**

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

Review Application No.61 of 2015

in

W.P.No.254 of 2015

M.Suganthi

... Petitioner

Vs.

1. The Principal District Judge,
Salem, Salem District.

2. T.Vijaya

3. K.Chandra

... Respondents

Prayer: Review Petition filed under Order 47 Rule 1 read with Section 114 of the Civil Procedure Code to review the order dated 08.01.2015 made in W.P.No.264 of 2015.

For Petitioner

: Mr.M.Devaraj

ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

The review petition is filed to review the order dated



08.01.2015 passed in W.P.No.254 of 2015.

2. The Hon'ble Division Bench of this Court considered the facts and made a finding that the condition imposed for special promotion was accepted by the writ petitioner and had joined in the promoted post and the writ petitioner has not challenged the said condition imposed after joining the promoted post. The appellant having not accepted the promotion order without prejudice to the rights and in view of the unexplained delay of nearly four years in challenging condition imposed in the impugned order, the Writ Petition was dismissed.

3. The representation submitted by the writ petitioner on 27.08.2013 reveals that a condition was imposed in the order of promotion that future seniority will be followed as per the original seniority in the lower post. Admittedly, the condition imposed was not challenged during the relevant point of time and it was challenged after a delay of more than four years. The order dated 28.05.2014 issued by the learned Principal District Judge, Salem reveals that the condition has been stipulated that from the special promotional post of Translator to the next higher post will be considered only on the basis of their original seniority in the lower post. On account of



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efflux of time, the correctness of the condition imposed need not be gone into by this Court. In service matters, an aggrieved person is expected to approach the court of law within the time prescribed in the Service Rules or atleast within a reasonable period of time. In the event of unsettling the settled seniority, the same will result in larger repercussion of affecting the promotional prospects of other employees, who all are waiting to secure promotion in accordance with the Rules. Even justifiable claims are to be redressed within a reasonable period of time. Admittedly, the petitioner was promoted in the year 2011. Now, more than twelve years lapsed. Thus, unsettling the seniority will result in serious consequences. That apart, the grounds raised for review is relating to merits, which is not entertainable.

4. Thus, we do not find any error apparent on record for entertaining the review petition. Consequently, the Review Petition is dismissed. No costs.

(S.M.S.,J.) (K.R.S.,J.)
14.03.2024

skr
Index : Yes
Speaking order



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To

The Principal District Judge,
Salem, Salem District.



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S.M.SUBRAMANIAM, J.
and
K.RAJASEKAR, J.

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