



Rev.Aplw.No.8/2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

Rev.Aplw.No.8/2016

1.The State of Tamil Nadu
rep.by its Secretary to Government
Municipal Administration & Water
Supply Department,
St George Fort, Secretariat
Chennai 600 009.

2.The Commissioner
Municipal Administration
Chepauk, Chennai 600 005.

3.The Commissioner
Komarapalayam Municipality
Namakkal District.

.. Petitioners

Vs.

K.Rajamanickam

... Respondent



Rev.Aplw.No.8/2016

Prayer : Review Application filed under Order 47 Rule 1 read with Section 114 of CPC to review the order made in WP.No.20486/2014 dated 01.09.2015 by allowing the review petition.

For Petitioners : Mrs.S.Anitha, Spl.GP

For Respondent : Mr.S.Rajesh Kanna

ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

(1)The present Review Application is filed as against the order passed in WP.No.20486/2014 holding that the respondent herein is entitled for regularisation of his service in regular time scale of pay on completion of three years of service.

(2)It is learnt from the records that a Division Bench of this Court earlier, in a batch of writ petitions, did not accept the case of the employees that they are entitled to regularisation on completion of three years. However, the said order of the Division Bench in ***Danasekaran and Others Vs. State of Tamil Nadu and Others*** reported in ***2013 [6] CTC 593***, was subject to review and ultimately, the review application was allowed.



WEB COPY

Based on the subsequent judgment of the Full Bench, reviewing the judgment in *Danasekaran's case [cited supra]*, this Court has allowed the writ petitions.

(3)Therefore, the present review application is liable to be dismissed on merits on the basis of the subsequent judgment of the Full Bench of this Court.

(4)However, the learned Special Government Pleader appearing for the petitioners states that the order reviewing the judgment of the Full Bench in *Danasekaran's case* is the subject matter of Special Leave Petition before the Hon'ble Supreme Court. It is in the said circumstances, the petitioners have filed the present review petition.

(5)From the grounds raised, this Courts finds no error apparent on the face of the record. The Hon'ble Supreme Court and this Court, has repeatedly held that a review is not an appeal in disguise and unless there is an error apparent on the face of the record, review application is not maintainable. Even if an error has to be detected by a process of reasoning, review cannot be entertained. This Court is also of the view that this review application does not fall within the scope of Order 47 Rule 1 of CPC.



Rev.Aplw.No.8/2016

WEB COPY

(6) It is to be noted that a review is also not maintainable on the basis of the subsequent judgments or decisions in similar matter. Therefore, leaving it open to the petitioners to file a Special Leave Petition to challenge the order before the Hon'ble Supreme Court, this Review Application stands **dismissed.**

[S.S.S.R., J.] [N.S., J.]
30.01.2024

AP

Internet : Yes

To

1. The Secretary to Government
State of Tamil Nadu
Municipal Administration & Water
Supply Department,
St George Fort, Secretariat
Chennai 600 009.

2. The Commissioner
Municipal Administration
Chepauk, Chennai 600 005.

3. The Commissioner
Komarapalayam Municipality
Namakkal District.



WEB COPY



Rev.Aplw.No.8/2016

S.S. SUNDAR, J.,
and
N.SENTHILKUMAR, J.,

AP

Rev.Aplw.No.8/2016

30.01.2024