



Rev.Aplw.No.76/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

CORAM

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

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R.Anandan

... Petitioner

Vs.

- 1.Union of India
rep.by its Secretary to the Government
Ministry of Health & Family Welfare,
New Delhi.
- 2.The Directorate General of Health Services
Rep.by its Director General,
Nirman Bhavan, New Delhi 110 108.
- 3.The Union Public Service Commission,
rep.by its Secretary, Dholpur House,
New Delhi.
- 4.The Director,
BCG Vaccine Laboratory
Guindy, Chennai 600 032.



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5.The Registrar

Central Administrative Tribunal
Chennai Bench, Chennai 600 104.

... Respondents

Prayer : Review Application filed under Article 226 of Constitution of India read with Order 47 Rule 1 of CPC preferred against the order dated 21.03.2023 in WP.No.2063/2023.

For Petitioner	: Mr.Karthik
For RR 1, 2 & 4	: Mr.C.Samivel, Senior Panel Counsel

JUDGMENT

[Order of the Court was made by V.LAKSHMINARAYANAN, J..]

- (1) This review seeks to review the order passed by this Court in WP.No.2063/2023 dated 21.03.2023.
- (2) Mr.Karthik, learned counsel for the petitioner invites our attention to paragraph No.15 of the order to plead that we have foreclosed the right of the petitioner to agitate the aspect of "deemed abolition" in terms of paragraphs No.5.1[a] and [b] of the Office Memorandum issued by the Ministry of Finance, Department of Expenditure, New Delhi, dated 12.04.2017.
- (3) The challenge in the OA related to the plea of the petitioner that the new Rules must be made applicable to him and not the old Rules.



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(4) We had rejected the plea on the ground that the 2021 Recruitment Rules cannot be given retrospective effect as the post had been revived in the year 2016. Insofar as the plea of the petitioner that the post itself is deemed to have been abolished, it was only an observation in passing. This Court did not go into that issue in detail. Neither did the Central Administrative Tribunal. In fact, we notice that we have granted liberty to the petitioner to work out his rights with respect to deemed abolition independently.

(5) Hence, the observation in paragraph No.15 of the order dated 21.03.2023 will not stand in the way of the petitioner in pursuing his remedy in terms of the aforesaid Office Memorandum, if it is otherwise open to him.

(6) The review application stands disposed of. No costs.

[S.S.S.R., J.] [V.L.N., J.]
27.11.2024

AP
Internet : Yes



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To

- 1.The Secretary to the Government
Union of India
Ministry of Health & Family Welfare,
New Delhi.
- 2.Director General,
The Directorate General of Health Services
Nirman Bhavan, New Delhi 110 108.
- 3.The Secretary
Union Public Service Commission,
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S.S. SUNDAR, J.,
and
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