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Review Application No.179 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

CORAM

**THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER
KUMAR**

Review Application No. 179 of 2014

1.The Government of Tamil Nadu
rep. by Secretary to the Government,
Rural Development Department,
Fort St.George, Chennai - 600 009.

2.The Collector,
Coimbatore, Coimbatore District.

3.The Commissioner,
Udumalpet Pachayat Union,
Udumalpet, Coimbatore District.

... Petitioners

Vs.

M.Dhandapani

... Respondent

PRAYER: Review Application filed under Order 47, Rule 1 r/w. Section 114 of the Civil Procedure Code, to review the order made in W.P.No.49612 of 2006 (O.A.No.1895 of 2001) dated 09.11.2011 in so far as it grants benefit of regularisation and scale of pay from the date of initial appointment and to grant regularisation of service of the respondent from 28.08.1996 when the respondent has completed 10 years period of service with notional



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benefit and actual benefits from 22.06.2000, as per the G.O.Ms.No.161,
Rural Development (E7) Department dated 26.06.2000.

For Petitioner : Mr.J.Ravindran
Additional Advocate General assisted by
Mr.B.Baladhandayutham
Special Government Pleader

For Respondents : Mr.P.Rajendran

ORDER

The only contention argued by the learned Additional Advocate General is that the order dated 09.11.2011 passed by the learned single Judge in W.P.No.49612 of 2006 is required to be reviewed as the consequential direction that was issued to regularize the services of the petitioner from the date of initial appointment with all monetary benefits on the ground that the posts in which the petitioner's services were sought to be regularized were sanctioned only on 26.06.2000 through G.O.Ms.No.161 Rural Development (E7) Department dated 26.06.2000, and therefore, the regularization of the services of the petitioner can be done only from the date of creation and the sanction of the posts in which the service of the petitioner is sought to be regularized.



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2. This Court having carefully considered the said submissions of the learned Additional Advocate General and after having gone through the order under review is unable to agree with the said contention for the simple reason that the G.O.Ms.No.161 Rural Development (E7) Department dated 26.06.2000 was under challenge in the main Writ Petition and this Court having taken note of, after having recorded the factual finding that the writ petitioner was appointed against the sanctioned posts and after following procedure through employment exchange, on 28.08.1986, disposed of the writ petition.

3. Thus, it is evident that this Court having fully aware of the contents of G.O.Ms.No.161 has been pleased to quash the said Government Order and issued direction to regularize the services of the petitioner from the date of his initial appointment with all monetary benefits. In the circumstances, the ground raised by the learned Additional Advocate General for reviewing the order dated 09.11.2011 passed by the learned single Judge cannot be a ground to review the order passed in the main Writ Petition.



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WEB COPY 4. Accordingly, this Review Petition is dismissed. Consequently, connected miscellaneous petitions, if any, are closed.

18.09.2024

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Internet : Yes/No

Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No



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MUMMINENI SUDHEER KUMAR, J.

KKN

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