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Rev.Applw.No.180/2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

Rev.Applw.No.180/2024

C.Arumugam

... Petitioner

Vs.

1.The Chairman

State Level Scrutiny Committee II
Adi Dravidar and Tribal Welfare Department
Namakkal Kavingar Maligai
Secretariat, Chennai -9.

2.The Secretary

Chennai Port Trust,
Chennai -1.

... Respondents

Prayer : Review application filed under Order 47 Rule 1 of CPC read with Section 114 of CPC to review the judgment in WP.No.9995/2021 dated 12.04.2024 and pass order allowing the writ petition.



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For Petitioner : Mr.V.Vijay Shankar
For R1 : Mr.P.Kumaresan, AAG assisted by
Mr.M.R.Gokul Krishnan

ORDER

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

- (1)The present review application is filed to review the order passed by this Court dated 12.04.2024 in WP.No.9995/2021.
- (2)Even though common issues were decided by this Court after hearing lengthy arguments from different counsels, this Court gave certainly, a liberty to the learned counsels to present the facts in individual cases. Thereafter, this Court also recorded the facts in each individual cases which were decided by the common order dated 12.04.2024.
- (3)The main contention raised by the learned counsel for the petitioner is that the petitioner is deprived of a fair opportunity in proving his case. Learned counsel pointed out that the report of the Vigilance Cell was not supplied to the review applicant. Learned counsel therefore, suggested



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that in normal circumstance, this Court would have at least remitted the matter for giving further opportunity in tune with principles of natural justice as has been held in many cases.

(4) This Court has consciously recorded the facts and came to the conclusion that the applicant herein was not cooperative. He refused to participate in the enquiry on the ground that the issue regarding community certificate cannot be raised after his retirement. Referring to the fact that retirement benefits have been settled, the petitioner/review applicant requested the 1st respondent herein to drop the proceedings initiated for verification of his community status.

(5) It is also to be noted that the petitioner despite raising several grounds on facts, has not placed not even a single record which would clinchingly or convincingly show that he has a valid case on merits if he is given an opportunity.

(6) Having regard to the reasons stated in the order dismissing the writ petition, this Court finds no error apparent on the face of the record to entertain this review application.

(7) It is settled that a review application is not an appeal in disguise. Unless



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there is an error apparent and the matter falls within the purview of Order 47 Rule 1 of CPC, there is no scope for entertaining the review application. When this Court has given reasons not to accept the plea that the order impugned in the writ petition is in violation of principles of natural justice, there is no other factual basis for entertaining the review on merits. It is also settled that an error which has to be detected by a process of reasoning, will not fall within the scope of review.

(8)When the petitioner's writ petition was dismissed for specific reasons especially referring to the conduct of the petitioner, this Court finds no scope for reviewing our judgment.

(9)Accordingly, the review application stands **dismissed**. No costs.

[S.S.S.R., J.] [N.S., J.]
22.10.2024

AP

Internet : Yes



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To

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