



Rev.APLW.No.54 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

Rev.APLW.No.54 of 2020
in W.P.No.32309 of 2015

M.Srinivasan

... Petitioner

Vs.

1.Union of India,
Rep. by the Director of Postal Services,
Chennai City Region,
Anna Salai,
Chennai – 600 002.

2.The Senior Superintendent of Post Offices,
Tambaram Division,
Tambaram,
Chennai – 600 045.

3.The Registrar,
Central Administrative Tribunal,
Chennai – 600 104.

... Respondents

Prayer: Review Application filed under Order 47 Rule 1 r/w. Section 114 of CPC to review the order dated 12.10.2015 made in W.P.No.32309 of 2015.



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For Petitioner : Mr.R.Malaichamy
For R1 & R2 : Mr.V.Balasubramanian

ORDER

[Order of the Court is made by S.M.SUBRAMANIAM, J.]

The present review application has been instituted to review the order of this Court dated 12.10.2015 in W.P.No.32309 of 2015.

2.At the time of admission itself, the learned counsel for the petitioner elaborately argued the matter. After hearing the parties, this Court dismissed the writ petition filed in W.P.No.32309 of 2015 confirming the order passed by the Central Administrative Tribunal dated 03.07.2014 in O.A.No.773 of 2011.

3.The review petitioner was removed from service. He challenged the order of removal. The Tribunal elaborately considered the issues and confirmed the order of removal. The petitioner filed the writ petition which was dismissed at the admission stage by hearing the parties.



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4.The learned counsel for the review petitioner would submit that the quantum of punishment of removal is disproportionate to the gravity of allegations set out in the charge memorandum.

5.Mr.R.Malaichamy, learned counsel for the petitioner would draw the attention of this Court that the allegations cannot be considered as serious warranting major punishment of removal from service. However, the Tribunal itself considered the grounds raised by the petitioner regarding the quantum of punishment imposed on the employee. In a review petition, High Court cannot re-adjudicate the facts. The facts are all already considered both by the Central Administrative Tribunal and the Division Bench of this Court in the writ petition. Re-appreciation of facts or evidences in a review petition is not entertainable. The scope of review petition cannot be expanded for considering the merits once again. In other words, the grounds for appeal cannot be considered as grounds for review. Only in the event of establishing an error apparent on record, the Court would be in a position to invoke the power of review jurisdiction, but not otherwise. In the present case, the petitioner is attempting to pursue this



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Court for re-adjudication of merits which is not entertainable.

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6.Accordingly, the review application stands dismissed. No costs.

[S.M.S., J.] [M.J.R., J.]

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Index : Yes/No

Neutral Citation : Yes/No

Speaking order / Non-speaking order

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