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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 08.02.2024

CORAM:

THE HON'BLE Mr. JUSTICE R.SURESH KUMAR
AND
THE HON'BLE Mr. JUSTICE K.K.RAMAKRISHNAN

Review Application (MD) No.14 of 2014
and
C.M.P.(MD).No.896 of 2024

1.The Agricultural Production Commissioner
and Principal Secretary to Government,
Agriculture Department,
Secretariat, Chennai – 600 009.

2.The Commissioner of Agriculture,
Plot No.9, Palandi Nagar,
Thirumokkur Road, Y.Othakadai,
Madurai – 625 107. ... Applicants

Vs.

R.Thiruppathy ... Respondent

Prayer : Review Application filed under Order 47 Rules 1 & 2 of C.P.C. read with Section 114 C.P.C. praying to review the judgment passed W.A. (MD).No.63 of 2020 dated 20.03.2023.

For Applicants : Mr.D.Sadhiq Raja
Additional Government Pleader

For Respondent : Mr.S.Visvalingam

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ORDER

[Order of the Court was made by R.SURESH KUMAR, J.]

Heard Mr.D.Sadhiq Raja, learned Additional Government Pleader appearing for the review applicant.

2. In this review application, the judgment passed by this Court dated 20.03.2023 made in W.A.(MD).No.63 of 2020 is sought to be reviewed.

3. The promotion which ought to have been given for 2007-2008 to the respondent has been deferred and has been given only in 2010-2011. The reason for such deference, according to the appellants/review applicants was that, even though the crucial date either was 31.03.2007 or 01.04.2007, subsequently there has been a punishment of censure inflicted against him on 21.05.2007, therefore, at the time of actual promotion for the year 2007-2008 since has been imposed a currency of punishment, based on which, his promotion for the year 2007-2008 has been deferred and it has been given only in the year 2010-2011.

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4. This aspect has been considered by us in the writ appeal itself, where, since the crucial date is either 31.03.2007 or 01.04.2007 on that date there has been no punishment against him, he was fully entitled to get the promotion for the year 2007-2008. That apart, the check period theory has been done away by the Full Bench Judgment of this Court reported in ***2011 (3) CTC 129 (The Deputy Inspector General of Police, Thanjavur Range Vs. V.Rani)***, which also we have considered in the judgment which is sought to be reviewed.

5. Therefore, absolutely there has been no ground or reason to re-look our order dated 20.03.2023 as there is no error apparently on the face of record. Therefore, this review application is liable to be dismissed, accordingly is dismissed. Consequently, connected miscellaneous petition is also dismissed.

[R.S.K. J] [K.K.R.K.J.]
08.02.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
Sgl

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K.K.RAMAKRISHNAN, J.

Sgl

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