



WMP(MD). No.23291 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 31.01.2024

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The Hon`ble Mr.Justice M. DHANDAPANI

**WMP(MD). No.23291 of 2023
in Rev. Apl.W (MD) SR 80802 of 2023**

1.The Managing Director
Tamil Nadu State Transport Corporation (Ltd) Ltd
Kumbakonam, Thanjavur District.

2.The General Manager,
Tamilnadu State Transport Corporation (Kum) Ltd.,
Pudukottai Region,
Pudukottai District.

... Respondents/
Review Petitioners

Vs

Amirthavalli

... Respondent/
writ petitioner

PRAYER in WMP (MD) No.25/2024:- Petition is filed under Section 151 of the Code of Civil Procedure to condone the delay of 579 days in filing the above review petition against the order dated 16.02.2021 made in WP.(MD) No.21516 of 2016.



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Prayer in Rev. Apl.W(MD) No.SR80802/2023: Review Application is filed under Order 47 Rule 1 r/w Section 114 of the Code of Civil Procedure to review the order dated 16.02.2021 in WP(MD) No.21516 of 2016.

For Petitioners : Mr.K.Jagadeeshbalan

For respondent: No appearance

ORDER

This application is filed to condone the delay of 579 days in preferring the review application to review the order passed in W.P.(MD) No.21516/2016 dated 16.02.2021.

2. This Court, vide order dated 16.02.2021 issued a direction to the review petitioners/respondents to consider the representation of the writ petitioner/respondent dated 24.02.2016 and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.



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3. The learned counsel for the review petitioners Corporation would submit that pursuant to the direction issued by this Court, the Corporation, vide order dated 25.03.2021, rejected the representation of the writ petitioner by stating that the writ petitioner's husband's services were not regularised as per the settlement arrived at by the Corporation, as such he is not a permanent employee of the Corporation, ie., he was only a reserve conductor and as per G.O.No.18, dated 23.01.2020, the eligibility criteria fixed for the compassionate appointment, her son is not entitled for such compassionate appointment. He would further submit that while so, without challenging the rejection order passed by the corporation, the writ petitioner has approached this Court by filing Cont.P(MD) No.1811/2023. In the contempt petition, this Court, vide order dated 14.09.2023, issued statutory notice to the review petitioners. Pursuant to the statutory notice issued, the writ petitioner's son was appointed as Conductor in the Corporation and compliance was also placed before this Court. Recording the said compliance, the contempt petition was closed. The learned counsel for the corporation would submit that considering the guidelines and the G.O., pertains to compassionate appointment, the corporation has rightly rejected the case



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of the writ petitioner. However, he would submit that pursuant to the orders issued by this court in the contempt proceedings, the legal heir of the deceased employee was given employment and therefore, in order to safeguard the standing orders and rules framed thereunder, the case of the review petitioners may be heard on merits by way of rehearing the matter. On these grounds, the review petitioners are before this court to review the order passed by this court.

4. At the outset, it is to be seen that while disposing the writ petition, this Court has given direction to the corporation to consider the writ petitioner's representation and pass appropriate orders, on merits and in accordance with law and based on the settlement arrived at between the parties, ie., the employees union and the Management, dated 25.09.1986 and 13.04.2015. It is pertinent to note here that this Court, while disposing the writ petition, has not issued a positive direction, however, issued a direction to consider the representation alone. In compliance of the said directions, the management has considered the representation and has also rejected the case of the writ petitioner.



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5. In review proceedings, this Court could review an order only when there is an error apparent on the face of the record.

6. In the present case, it is to be seen that the writ petitioner, without challenging the order of rejection by filing a writ appeal, has filed a contempt petition alleging disobedience of the order of this court. In the contempt petition, pursuant to the statutory notice issued, the corporation has issued an order of appointment to the writ petitioner's son and based on the order of appointment issued, the contempt petition was closed. When the review petitioner has complied with the order pursuant to the statutory notice issued by this court by giving an order of appointment, there is nothing available on record, to show an error apparent on the face of record. If at all the review petitioners are aggrieved by the order in the contempt petition, the only course open to the review petitioners is to file a contempt appeal challenging the order passed in the contempt petition. However, without challenging the order made in the contempt petition, the review petitioners are before this court to review the order passed by this court on 16.02.2021. Hence, the



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application to condone the delay is dismissed with liberty to the review petitioners to challenge the order in the contempt petition in the manner known to law. Consequently, the review application stands rejected at the SR stage itself.

31.01.2024

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M.DHANDAPANI. J

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**ORDER
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