



Rev.Apl.C(MD) No.23 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

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- 1.S.Thendral
- 2.S.Crystal Sheeba
- 3.N.Rajeshwari
- 4.S.Saravana Perumal
- 5.T.Manimekalai
- 6.M.Mariyammal
- 7.R.Seema
- 8.S.Marimuthu
- 9.S.Suresh
- 10.M.Maria Stellar
- 11.J.Indirani
- 12.N.Theepalakshmi
- 13.S.Sahaya Praveena



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14.V.Meena

15.P.Vasanthai

16.M.Velammal

17.C.Ramalakshmi

18.S.Petchiammal

19.S.Paramasivan

20.P.Pasunkili

... Petitioners

-vs-

1.The Registrar
Manonmaniam Sundaranar University
Abishekapatti
Tirunelveli

2.K.Rajasekaran

3.S.Subbulakshmi

4.T.Athisamy

5.R.Lawrence Arul Manickam

6.S.Balammal

7.V.Vijayalakshmi

8.M.P.Ramkumar

9.S.Maharajan



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WEB COPY 10.G.Mangalraj

11.S.Mariappan

12.D.Sivaperumal

13.S.Kandasamy

14.M.Muruganandam

15.M.Muthukumar

16.M.Muthulakshmi

17.R.Pitchaiammal

18.M.Kalyankumar

19.S.Rathinapandy

20.A.Murugan

21.P.Sivasilam

22.V.Velmurugan

... Respondents

[RR2 to 22 are *suo motu* impleaded as respondents 2 to 22 *vide* court order dated 05.11.2019]

PRAYER: Review Application filed under Section 114, Order XLVII, Rule 1 of the Code of Civil Procedure, against the judgment dated 29.04.2014 made in W.A.No.351 of 2012.

For Petitioner : Mr.Anantha Padmanabhan, Senior Counsel
for M/s.APN Law Associates



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For Respondents : Mr.M.Ajmal Khan, Senior Counsel
assisted by Ms.H.Jasima Yasmin
for M/s.Ajmal Associates for R1
Mr.K.Gurunathan
for RR2 to 5, 7 to 10, 12, 13, 16 to 18, 20 & 22
Mr.S.Rajasekar for RR14 & 15
No appearance for R21
Not ready notice for RR6, 11 & 19

ORDER

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

This review application has been instituted to review the order dated 29.04.2014 in W.A.(MD) No.351 of 2012.

2. The review petitioners herein are the original writ petitioners. They filed the writ petition in W.P.(MD) No.540 of 2011 seeking a direction to the respondent – University to absorb them to the post of Junior Assistant from the date of their appointment in the respondent – University and consequently to direct the respondent – University to provide all service benefits to them.

3. The learned Single Judge, after hearing the respective learned



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counsels, by an order dated 23.11.2011, allowed the said writ petition directing the respondent – University to absorb the review petitioners in the post of Junior Assistant from the date of their appointment by providing all service benefits. Having aggrieved by the said order, the respondent – University preferred W.A.(MD) No.351 of 2012.

4. The Division Bench of this Court, by a Judgment dated 29.04.2014, partly allowed the said writ appeal and modified the order of learned Single Judge granting the benefit of absorption to the review petitioners and the review petitioners were directed to be absorbed against the regular vacancies with effect from 23.11.2011, the date of the order of the learned Single Judge with all consequential monetary benefits arising out of the same. Being not satisfied with the order of the learned Division Bench of this Court, the review petitioners preferred the present review application in Rev.AplC(MD) No.23 of 2016.

5. The Division Bench of this Court, by an order dated 29.10.2018, disposed the review application by modifying the judgment



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passed in the writ appeal to the effect that the review petitioners shall be absorbed from the date of their initial appointment with service benefits, except monetary benefits. Having aggrieved by the same, the private respondents preferred an appeal before the Honourable Supreme Court of India in Civil Appeal No.6062 of 2019.

6. The Honourable Supreme Court of India, by an order dated 05.08.2019 allowed the said appeal, set aside the review order dated 29.10.2018 and remanded the review application to be decided afresh after hearing the private respondents herein and thereafter, to pass orders afresh in accordance with law. Accordingly, this review application is again taken up for hearing.

7. Originally, the private respondents were not arrayed as parties to the present review application. Subsequently, by an order dated 05.11.2019, they were *suo motu* impleaded by this Court as respondents 2 to 22 and notice was issued to all of them. On receipt of notice, they entered appearance and represented by their respective learned counsels.

8. Heard the learned counsel on either side and perused the



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9. Originally, the review petitioners filed a writ petition in W.P. (MD) No.540 of 2011 seeking a direction to the respondent – University to absorb them to the post of Junior Assistant from the date of their appointment in the respondent – University and to direct the respondent – University to provide all service benefits to them. The said writ petition came to be allowed by the learned Single Judge by an order dated 23.11.2011. Aggrieved by the same, the respondent – University preferred a writ appeal in W.A.(MD) No.351 of 2012 and the said writ appeal came to be partly allowed by the learned Division Bench of this Court by Judgment dated 29.04.2014 and the order passed by the learned Single Judge came to be modified to the extent that the review petitioners are entitled to absorption against the regular vacancies with effect from 23.11.2011, the date of the order passed in the writ petition, with all monetary and other benefits. Few employees, who are all affected on account of the retrospective absorption of the review petitioners, also filed a writ appeal mainly on the ground that their seniority will be affected and the same was also heard and disposed of along with the appeal filed by the respondent – University. However, the issue relating to seniority was left open during the relevant point of time. Thereafter, this review application came to



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be filed and the same came to be disposed of with a modification to the Judgment passed in the writ appeal to the effect that the review petitioners shall be absorbed from the date of their initial appointment with service benefits, except monitory benefits. A civil appeal was also filed before the Honourable Supreme Court of India by the employees, whose seniority is likely to be affected and the absorption of the review petitioners with retrospective effect and the Honourable Supreme Court of India allowed the said civil appeal, set aside the order passed in the review application came to be set aside and the review application was remanded back for deciding the issue afresh after hearing the private respondents herein and to pass a fresh order thereafter.

10. Mr.Anantha Padmanabhan, learned Senior Counsel appearing for the review petitioners would mainly contend that the review petitioners are entitled for retrospective absorption from the date of their initial appointment to the post of Junior Assistant, since their initial appointment is on regular basis and based on selection process.

11. Mr.M.Ajmal Khan, learned Senior Counsel appearing for the respondent – University would oppose the above contention of the learned



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Senior Counsel for the review petitioners by stating that the selection process as per the rules applicable were not followed during the relevant point of time and they were initially inducted as temporary employees and hence, they are not entitled for absorption from the date of their initial appointment.

12. Be that as it may, these grounds raised between the parties are falling beyond the scope of the power of review conferred on the High Court. The scope of Order XLVII, Rule 1 of the Code of Civil Procedure, cannot be expanded for the purpose of re-adjudication of the merits involved in a *lis*. Only in the event of error apparent on record, High Court is required to exercise the review power, but not otherwise. The grounds for an appeal cannot be considered in a review application.

13. In the present case, the review petitioners have raised certain grounds, which relate to the merits of the case, which were already adjudicated by the learned Single Judge and the learned Division Bench of this Court. That being the factum, the review petitioners have not established any error apparent on record warranting this Court to exercise the power of review. However, in respect of the issue relating to seniority, the parties are at liberty to work out their remedy in the manner known to law.



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14. With the above observation, this review application is dismissed. No costs.

[S.M.S., J.]

[A.D.M.C., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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