



Rev.Aplw.(MD)No.138 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 04.09.2025

Pronounced on : 04.12.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Review Aplw.(MD) No.138 of 2024

in

W.P.(MD)No.3509 of 2021

M.Velusamy

...Review Petitioner

Vs.

1.The Executive Officer,
Arulmighu Dhandayuthapani
Swamy Temple, Palani,
Dindigul District.

2.M.Indumathi,
Jr. Assistant,
Arulmighu Dhandayuthapani
Swamy Temple, Palani,
Dindigul District.

3.P.Marimuthu,
Assistant,
Arulmighu Dhandayuthapani
Swamy Temple, Palani,
Dindigul District.

4.C.Pasupathi,
Assistant,
Arulmighu Dhandayuthapani
Swamy Temple, Palani,
Dindigul District.

5.L.Murugavel,
Assistant,



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Arulmighu Dhandayuthapani
Swamy Temple, Palani,
Dindigul District.

6.C.Lakshmi Narayanan,
Assistant,
Arulmighu Dhandayuthapani
Swamy Temple, Palani,
Dindigul District.

7.S.Pandiarajan,
Junior Assistant,
Arulmighu Dhandayuthapani
Swamy Temple, Palani,
Dindigul District.

...Respondents

Prayer: Review Application filed under Order 47 Rule 1 and 2 C.P.C., 1908, r/w. Section 114 of C.P.C., seeking to review the judgement dated 12.04.2024 in W.P.(MD)No.3509 of 2021 on the file of this Court.

For Petitioner : Mr.V.R.Shanmuganathan,
For Mr.P.Jayaveerapandi

For R-1 : Mr.R.Murali

For R-2 to R-6 : Mr.Karthikeya Venkatachalapathy

For R-7 : No appearance

ORDER

This Review Application has been filed seeking to review the order dated 12.04.2024 passed by this Court in W.P.(MD) No.3509 of 2021.



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2. The petitioner joined the first respondent Temple on consolidated pay in 2002. He was regularised as Office Assistant in 2009, and thereafter promoted as Record Clerk on 11.01.2012.

3. Owing to discrepancies in accounts amounting to Rs.65,295/- (Rupees Sixty Five Thousand Two Hundred and Ninety Five only), disciplinary proceedings were initiated, and by order dated 13.05.2003, the petitioner was demoted to the post of Office Assistant as a measure of punishment.

4. In the seniority panel for the year 2014, he was placed at Serial No.17. Eight juniors were promoted, overlooking him. His objections evoked no response.

5. A fresh panel dated 28.11.2015 placed him at Serial No.3, yet the promotion panel dated 29.10.2015 again promoted five juniors.

6. In the promotion panel dated 21.07.2017, the petitioner was finally promoted. He submitted a representation dated 21.08.2017 seeking refixation of his seniority.

7. Another seniority panel dated 16.12.2020 was published. The petitioner submitted objections on 21.12.2020, but the respondent



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finalised the list. He challenged the same in W.P.(MD) No.349 of 2021, which was disposed of with a direction to consider his objections.

8. By proceedings dated 26.02.2021, the objections were rejected on the ground that they were belated by more than five years.

9. The petitioner thereafter challenged the rejection order and the seniority list in W.P.(MD) No.3509 of 2021.

10. This Court, by order dated 12.04.2024, dismissed the writ petition, holding that the petitioner, having slept over his rights for nearly six years, could not seek re-fixation of seniority.

11. The present Review Petition seeks to revisit that order.

Grounds of review:

12. The petitioner contends that his grievance is not against the disciplinary proceedings, but against violation of Rule 35(c) and Rule 35(f) of the Tamil Nadu State and Subordinate Service Rules.

13. He submits that the Hindu Religious Institutions, Office and Servants Service Rules, 1964 do not provide for fixation of seniority upon



reversion and therefore the general rules apply.

14. According to him, under Rule 35(c), a reverted employee should be placed at the top of the lower category; this was not done.

15. It is further argued that the limitation for raising seniority objections does not apply when the authority has committed a “mistake”, which is rectifiable under Rule 35(a).

16. The petitioner also asserts that the impugned proceedings in the writ petition were passed in violation of natural justice.

Scope of review:

17. Before considering the arguments, the limited scope of review requires reiteration.

18. In ***Parsion Devi v. Sumitra Devi***¹, the Hon’ble Supreme Court held that review is not an appeal in disguise. Only an error apparent on the face of the record can justify review.

19. In ***Kamlesh Verma v. Mayawati***², the Court held that review lies only for discovery of new and important evidence not available despite

¹ (1997) 8 SCC 715

² (2013) 8 SCC 320



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due diligence; error apparent on the face of the record; or any analogous sufficient reason. Re-agitation of issues already decided is impermissible.

20. In Review Application No.662 of 2017, this Court by its judgment dated 20.12.2017, reiterated that review cannot serve as a forum to rehear and reargue matters already concluded.

Analysis:

21. None of the grounds raised point to any error apparent on the face of the record in the order dated 12.04.2024.

22. The interpretation of Rules 35(a), 35(c), and 35(f) was available for argument at the time of hearing the writ petition. Failure to raise or press a particular contention does not create a ground for review.

23. The petitioner seeks a complete re-examination of the factual findings, including delay, seniority placement, and applicability of rules. These require detailed reasoning and adjudication, which fall outside review jurisdiction.

24. The finding of this Court that the petitioner slept over his rights for approximately six years is a factual finding. No perversity or patent illegality is demonstrated.



26. Thus, the present petition amounts to an attempt to reopen the entire writ proceedings, which is impermissible under the principles laid down by the Hon'ble Apex Court in ***Parsion Devi v. Sumitra Devi***³, ***Kamlesh Verma v. Mayawati***⁴, and the judgment of this Court in ***Review Application No.662 of 2017***.

27. Accordingly, this Court finds no ground warranting review of the order dated 12.04.2024 in W.P.(MD) No.3509 of 2021.

28. No error apparent on the face of the record is made out.

29. The Review Petition is therefore dismissed. No costs.

04.12.2025

NCC : Yes/No
Index:Yes/No
Internet:Yes/No
Sml

3 (1997) 8 SCC 715

4 (2013) 8 SCC 320



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L.VICTORIA GOWRI, J.

Sml

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