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Review Application(MD) No.6 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 10.09.2025

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THE HONOURABLE MR. JUSTICE P.VELMURUGAN

and

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Review Application(MD) No.6 of 2025

in

Writ Appeal (MD) No.1351 of 2024

1. The District Collector
Noon Meal Section
Office of the District Collector
Madurai District
Madurai

2. The Commissioner
T.Kallupatti Panchayat Union,
T.Kallupatti
Madurai District

.....Review Petitioner

Vs.

P.Pandiarajan

.....Respondent

Prayer:-This Review Application has been filed under Order 47 rule 1 and 2 r/w.Section 114 of C.P.C., to set aside the order dated 13.08.2024 passed in W.A(MD) No.1351 of 2024 and allow the review petition.

For petitioner : Mr.Veerakathiravan
Assisted by Mr.N, Ramesh Arumugam,
Government Advocate

For Respondent : Mr.P.Mahendran



J U D G M E N T

P.VELMURUGAN, J.,

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The respondent has filed a writ petition in W.P(MD) No.667 of 2024 challenging the impugned proceedings issued by the review applicant in Na.Ka.No.11520/2023/Sa.Vu.Thi.1 dated 22.12.2023. The learned Single Judge who dealt with the writ petition, set aside the impugned order passed by the review applicant dated 22.12.2023 and directed the review applicant to provide compassionate appointment to the respondent within a period of twelve weeks from the date of receipt of a copy of the order and the same was challenged by the review applicant in W.A(MD) No. 1351 of 2024 and this Court dealt with the appeal in detail and dismissed the appeal confirming the order of the learned Single Judge. Now the application has been filed by the review applicant on the ground that on the date of consideration of the application of the respondent for compassionate appointment, the respondent was not eligible for the post since the post is meant only for female members, whereas the respondent is a male member who applied for the post on the ground of compassionate appointment, therefore it is against the G.O.Ms.No.48, Social Welfare and Women Empowerment (NM 4.2)Department dated 18.08.2021.

2. The main contention of the learned Additional Advocate General is that the order of the learned Single Judge and the order of



the Division Bench of this Court is against the G.O.Ms.No.48, Social Welfare and Women Empowerment (NM 4.2) Department dated 18.08.2021 and therefore the orders passed by the Writ Court as well as the Division Bench are liable to be set aside and the review application has to be allowed. In support of his contention, learned Additional Advocate General placed reliance on a judgment passed by the Hon'ble Apex Court in the case of **N.C.Santhosh .vs. State of Karnataka and others** reported in **(2020) 7 SCC 617**, wherein it is held as follows:

“Applying the law governing compassionate appointment culled out from the above cited judgments, our opinion on the point at issue is that the norms, prevailing on the date of consideration of the application, should be the basis for consideration of claim for compassionate appointment. A dependent of a government employee, in the absence of any vested right accruing on the death of the government employee, can only demand consideration of his/her application. He is however disentitled to seek consideration in accordance with the norms as applicable, on the day of death of the government employee”.

3. The learned counsel appearing for the respondent would submit that the very same ground was raised by the review applicant in the writ petition as well as the writ appeal. Both the learned Single Judge and also Division Bench have considered the said ground and set aside the impugned order dated 22.12.2023. Since there is no error apparent on the face of the order and that the grounds raised by the review applicants have already been raised in the writ petition as



well as in the writ appeal and that the same were considered and rejected, the review application is not maintainable.

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4. Heard both sides and perused the materials available on record.

5. Admittedly, the respondent made an application for compassionate appointment and the same was rejected by the first respondent on the ground that the respondent is a male member and cited G.O.Ms.No.48, Social Welfare and Women Empowerment (NM 4.2) Department dated 18.08.2021. The said rejection was challenged by the respondent by filing Writ Petition in W.P(MD) No.667 of 2024 and the learned Single Judge set aside the rejection order passed by the first respondent and directed the first review applicant to provide compassionate appointment. Challenging the same the review applicants filed an intra Court appeal before the Division Bench in W.A(MD) No.1351 of 2024 and the same was dismissed by confirming the order of the Single Judge. Aggrieved over the same, the present review application has been filed.

6. Upon perusal of the grounds of review, we find that the grounds raised in the present review petition have already been raised in the writ petition as well as in the writ appeal. The writ court as well



as the Division Bench of this Court have considered those grounds and negatived the same. Even then, the same grounds are reiterated under the garb of review. The scope of review being very limited, we are not inclined to delve into the submissions made by the learned Additional Advocate General appearing for the review petitioners. We find that there is no error apparent on the face of the order sought to be reviewed. The judgment relied on by the learned Additional Advocate General in **(2020) 7 SCC 617** is not applicable to the present facts of the case as the facts of the present case and the case referred by the learned Additional Advocate General are entirely different.

7. Considering the facts and circumstances of the case, we find that the review applicants have not made out any grounds for review. Accordingly, the review application is dismissed. The first respondent is directed to comply with the order of the writ Court and pass the appropriate orders in accordance with law within a period of two months from the date of receipt of a copy of this order. No costs.

(P.V.,J.) (K.K.R.K.J.,)
10.09.2025

Index : Yes/No
Internet : Yes/No
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T.Kallupatti
Madurai District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Section Officer
Criminal Records,
Madurai Bench of Madras High Court,
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