

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-08-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

Review Application No.175 of 2026

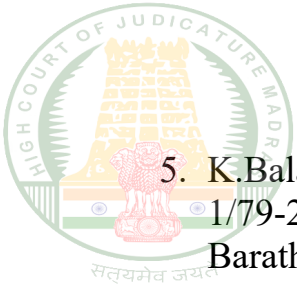
CMP No. 22043 of 2026

1. The State of Tamil Nadu, Rep. by its Principal Secretary, Public Works Department, Fort.St.George, Chennai-9.
2. The Chief Engineer (General) and Engineer-in-Chief, WRO, Public Works Department, Chepauk, Chennai 5
3. The Executive Engineer (WRO) Kaveri Basin Sub Division, Public Works Department, Thanjavur.

..Appellant(s)

Vs

1. K.Kalamani, S/O.Kumarasamy, Kaliyamman Koil St, Ayya Nellore, Maharajapuram Post, Thiruvudaimaruthur, Thanjavur.
2. K.Senthilkumar, S/o.Kalyana Sundaram, Perumal Koil Main Road, Ullikadai Post, Papanasam Tk, Thanjavur Dist.
3. A. Praveen Kumar, S/o.Aruldhass, 2/263, Mada Koil St, Tookur Post, Boothalore Tk, Thanjavur Dist.
4. K.Bharathkumar, S/o.Kalingan, 439, Kovalandi Main Road, Boothalore Tk, Thanjavur Dist.



5. K.Balamurugan, S/o.Kannan,
1/79-2, Adhi Dravida St, Ayyamangalam,
Barathikudi, Tanjavur Dist.

6. K.Bramadevan, S/o.M.Kasi Rajan,
1/23, Vadkku St, Amman Pettai,
Vithiyapuram Post, Thiruviyar,
Tanjavur Dist.

7. M.Balaji, S/o.T.Muruganantham,
No.36, Ettarai Vellee, Viravan Koil,
Eachankudi Post, Thiruvaiyaru Tk,
Tanjavur Dist.

8. S. Vijayakumar, S/o.Sundaravadivelu,
1C, Puthu Kudiyana St, Puthu Sathiram,
Alameelupuram, Poonti Post (via),
Thirukattupalli, Boothalur Tk,
Tanjavur Dist.

9. A. Ezhilarasi, W/o.Ayyavu,
453, Kila Maharajapuram,
Sathanur Post, Thillaisanam (via),
Thiruvaiyaru Tk, Tanjavur Dist.

10.S. Vimalraj, S/o.Sivagzhanam,
580, Therku St, Nadukkaveri (via)
Thiruvaiyaru Tk, Tanjavur Dist.

11.S. Ramya, D/o.Shanmugaraj,
526, Naduatu Palam, Pattiswaram,
Kumbakonam, Tanjavur Dist.

12.G. Rajadevi, D/o.Gurumoorthy,
No.2, Kzil Sethi Thipirajapuram,
Kumbakonam, Tanjavur Dist.

..Respondent(s)

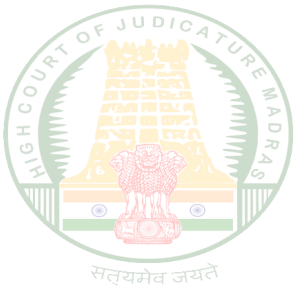
Prayer:- This Review Application has been filed, to review the order, dated
20.01.2026, passed in WA.No.65 of 2026, by this Court.

For Appellant(s):

Mr.A.R. SURESH, SPECIAL GOVT. PLEADER

For Respondent(s):

MR. L. CHANDRAKUMAR



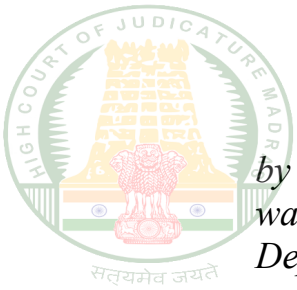
ORDER

(Order of the Court was made by Shamim Ahmed J.)

1. This Review Application has been filed, under Order 47 Rule 1 of CPC, to review the order, dated 20.01.2026, passed in WA.No.65 of 2026, by this Court.
2. This Court heard Mr.A.R.Suresh, the learned Special Government Pleader for the Applicants and Mr.L.Chandrakumar, the learned counsel for the Respondents.
3. The above Writ Appeal was filed, by the Applicants herein, challenging the order of the Writ Court, made in WP.No.27781 of 2022, dated 31.01.2025, which was filed by the Respondents herein, seeking to quash the proceedings, in Order No.S4(1)/30584/2021, dated 10.04.2023, of the 2nd Appellant herein, and to direct the Appellants herein to grant them the minimum time scale of pay of Rs.18,500/- per mensem, applying equal pay for equal work under Article 39(d) of the Constitution of India, as had been granted and extended in favour of similarly placed persons, as per GO.Ms.No.233, Public Works Department, dated 06.12.2019.
4. It is relevant to quote the order, dated 20.01.2026, passed in WA.No.65 of 2026, by this Court, as under:-

“This intra Court Appeal has been directed against the order passed by the Writ Court dated 31.01.2025 made in W.P.No.27781 of 2023 .

2. That the private respondents/writ petitioners were engaged on daily wage basis as Nominal Muster Roll workers (in short ?NMRs?)



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by the Appellant Department, i.e., Public Works Department which was subsequently divided into PWD~WRD (Water Resources Department). There were thousands of such NMRs engaged periodically and at one point of time, the Government has decided to regularise the services of these NMR employees. Therefore numerous exercises had been undertaken through out the State, whereby, the concerned Engineers of the PWD or WRD were requested to send the list of NMRs who have been serving for several years under various schemes undertaken by PWD / WRD.

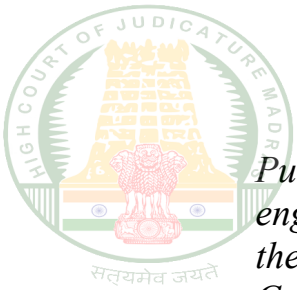
3. Accordingly, these NMRs names have been selected and verified by Expert Committee before whom, a list had been prepared and ultimately, the said Committee having scrutinised the certification and other details of those NMRs had come to the conclusion that there were 3407 such NMRs are currently on the role and their services can be regularised by giving them pay on par with the employment of Sweepers and other Low Grade Services.

4. In this context, a Government Order was also issued in GO.Ms.233, dated 06.12.2019 by the Public Works Department, pursuant to which, such a benefit had been extended to 3407 such NMRs.

5. It is, in this context, even though the writ petitioners who are the private respondents herein have been engaged during the relevant point of time as NMRs under various schemes at Thanjavur District, i.e., Kumbakonam WRD, they have not been included in the said GO. Ms.233, that is along with 3407 NMRs for getting such benefits.

6. Therefore, they independently approached the Public Works Department to seek their pay and wages on par with other NMRs who had already been considered and included with the benefits under the GO.Ms.233. In other words, the benefit which has already been conferred to thousands of NMRs under GO.Ms.233 was required to be extended to these NMRs also, that is the reason why they approached the Appellant Department. However, their request having been considered was turned out by the order impugned before the Writ Court, dated, 10.04.2023.

7. When that was challenged before the Writ Court, the stand that was taken by the Department was that though these NMRs/writ petitioners had been engaged continuously from 2012 till date, the certification was with the concerned authorities i.e., engineers of



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Public Works Department. The fact remain that they had been engaged only through the contractors and payment and wages for them has been paid to the employees i.e., NMRs, only through the Contractors and not directly by PWD/WRD. Therefore, these employees are not entitled to get the benefits of other NMRs for the reason that they are not as covered under GO.Ms.233 and therefore, on that ground, since the plea raised by the these writ petitioners have been rejected, such a rejection order is to be sustained, was the defence taken by the Appellant/Department before the Writ Court, who is the respondent therein.

8. The learned Writ Court, having considered the factual matrix, has recorded in the impugned order itself that, in the order impugned before the Writ Court itself, it has been admitted that during the relevant point of time i.e., in 2008 and 2013, these writ petitioners had been engaged as NMRS. Some of them had been continuously working for more than 10 years, therefore they are entitled to get minimum pay scale as per GO.Ms.No.233 of the Department, dated 06.12.2019.

9. The relevant table to that effect, as has been quoted in the order impugned before the Writ Court has been reproduced in paragraph 16 of the impugned order, where, it has been clearly mentioned that all these writ petitioners either have been engaged in the year 2011 or 2012 or some of them in 2013 and 2014 and continuously since the date of their engagement, they have been working .

10. This fact is not disputed.

11. The only ground that was urged before the Writ Court and is again reiterated herein also by the learned Addl. Advocate General appearing for the Appellant is that, though these NMRs had been continuously engaged for several years, even during the relevant point of time, ie., 2008 and 2013, their engagement has not been made directly either by PWD/WRD, but they have been engaged only through the contractors, through whom, the wages of the NMRs have been paid . Therefore, they are not eligible to seek for the benefit arising out GO.Ms.233, dated 06.12.2019.

12. In so far as this plea raised by the appellant who stood as the respondent before the writ court, answer had been given by the Writ Court from paragraph 19 onwards in the impugned order.

13. It has been specifically mentioned that when there has been



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admitted fact that these writ petitioners have been engaged continuously and some of them have been working more than 10 years as NMRs, certainly they would be entitled for the benefit arising out of GO.Ms.233 dated 06.12.2019.

14. After all these NMRS are seeking only the pay parity as that of the NMRs who are getting such pay as per the GO Ms.233 and therefore, such a pay is sought for, the same cannot be denied. This position has been reiterated by an order of the earlier Division Bench in this regard passed by a Division Bench of this Court in Madurai in WP.(MD) No.24081 of 2018 dated 31.01.2019.

15. It is submitted by the learned Addl. Advocate General by quoting a Single Judge order passed by one of us in W.P.(MD) No.8092 of 2020, dated 01.10.2020 and made a submission stating that as per the said order of the Single Bench, out of the 17 such NMRs who had been projected before the Single Judge, for getting such regularisation of absorption, only three of them were directed to be considered, remaining of them have been rejected for want of such proof or evidence of a certification, the same position is prevailing in so far as the present writ petitioners also, is the contention of the learned Addl. Advocate General appearing for the Appellant.

16. We are not impressed with the said submission made by the learned Addl. Advocate General for the simple reason that, in so far as the plea that has been raised by the NMRs who stood as petitioners in W.P.(MD).No.8092 of 2020 is concerned, they sought for regularisation as if that they have completed 10 years of service under the PWD/WRD Department, for which, there is no evidence established. In view of the lack of evidence or proof, some of them have been accepted and some of them have been rejected by the order passed by the learned Single Judge dated 01.10.2018 in W.P.(MD) No.8092 of 2020. Therefore, that logic would not apply to the present case, the reason being that, in the present case all the writ petitioners have been continuously working as NMRs and their period of service, as per the certification issued by Department, is not disputed, but the only objection they raised is that they have been engaged not directly, but only through the Contractors. There has been no direct evidence to establish that they have been engaged only through the contractors and they worked on contract basis.

17. Moreover, once the NMRs have been engaged under the scheme



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being envisaged and undertaken either by the PWD or WRD, those NMRs can only be construed as NMRs directly under the PWD/WRD. Therefore, in all four, they are entitled to get the benefit of other NMRs as has been provided under GO.Ms.233, dated 06.12.2019 of the PWD. Therefore, absolutely, there has been no error or flaw in the order that has been passed by the Writ Court impugned herein, dated 31.01.2023, as a result of which, We are not inclined to entertain this Writ Appeal as it deserves to be dismissed. Accordingly, it is dismissed.

18. The direction given by the Writ Court to give the benefit arising out of GO.Ms.233, dated 06.12.2019 to these writ petitioners/respondents are to be complied with by the Appellant Department within a period of two months from the date of receipt of a copy of this order and they shall continue to comply the same as per their entitlement .

19. With this observation, the Writ Appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.”

5. It is also relevant to quote the provisions of the Order 47 Rule 1 of CPC, as follows:-

“1. Application for review of judgement:- (1) Any person considering himself aggrieved-

(a) by a decree or Order from which an appeal is allowed, but from which no appeal has been preferred,

(b) by a decree or Order from which no appeal is allowed, or

(c) by a decision on a reference from a Court of Small Causes,

and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or Order made, or on account of some mistake or error apparent on the face of the record or for any other sufficient reason, desires to obtain a review of the decree passed or Order made against him, may apply for a review of judgment to the Court, which passed the decree or made the Order. ”



6. At the out set, it is to be noted that this Court, while dismissing the above Writ Appeal, had specifically held that it was admitted during the Writ Proceedings that during the relevant point of time, the Respondents had been engaged as NMRs and that once the NMRs have been engaged under the scheme being envisaged and undertaken either by the PWD or WRD, those NMRs can only be construed as NMRs directly under the PWD/WRD and that therefore, they are entitled to get the benefit of other NMRs, as has been provided under GO.Ms.233, dated 06.12.2019 of the PWD and hence, there is no error or flaw in the order, dated 31.01.2023, passed by the Writ Court. Holding so, this Court had dismissed the Writ Appeal, after elaborately discussing on merits and by taking note of the legal position and hence, there is no scope to entertain this review application.

7. The scope of review is very limited. The appellants are not allowed to argue the case afresh and open the pandora box.

8. Further, in this review application, the Applicants have again taken the same plea, among other grounds that the Respondents were engaged only through the contractors and not by PWD/WRD and hence, they are not eligible to seek for the benefit, arising out of GO.MS.No.233, dated 06.12.2019, which is contrary to the admission taken by them before the Writ Court that they



had been engaged as NMRs during the relevant point of time, on which admission only, the Respondents were granted the benefit of the GO.Ms.No.233, dated 06.12.2019. Thus, the grounds, contrary to the admission made by the Applicants, before the Writ Court, cannot be entertained, in this Review Application also.

9. Further, we have gone through the other grounds, taken in this review application, by the applicants, which, on the face of it and virtually, are constituting an attempt to re-argue the matter, which cannot be done, in the garb of review.

10.A Review is not an appeal in disguise. Rehearing of the matter is impermissible in the garb of review. Power of review can be exercised for correction of a mistake or error apparent on the face of the record and not to substitute a view. It is an exception to the general rule that once a judgement is signed or pronounced, it should not be altered, as has been, time and again, held by the several judgements of the Honourable Supreme Court, which are quoted as under.

11.In the case of **Thungabhadra Industries Ltd. Vs. The Government of Andhra Pradesh; AIR 1964 SC 1372**, the Honourable Supreme Court was pleased to observe, as under:-

"A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error."

12. Further, in the case of **Aribam Tuleshwar Sharma Vs. Aribam Pishak**



Sharma; 1979 (4) SCC 389, the Honourable Supreme Court was pleased to observe, as under:-

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"... there is nothing in Article 226 of the Constitution to preclude a High Court from exercising the power of review which inheres in every Court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. But, there are definitive limits to the exercise of the power of review. The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a Court of Appeal. A power of review is not to be confused with appellate powers which may enable an Appellate Court to correct all manner of errors committed by the Subordinate Court."

13. Again, in the case of **Meera Bhanja v. Nirmala Kumari Choudhury; AIR 1995 SC 455**, while quoting with approval the above passage from **Abhiram Taleswar Sharma Vs. Abhiram Pishak Shartn (supra)**, the Honourable Supreme Court, once again, had held that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of CPC.

14. Further, in the case of **Parsion Devi and others Vs. Sumitri Devi and others; 1997 (8) SCC 715**, the Honourable Supreme Court was pleased to observe that an error, which is not self evident and has to be detected by process of reasoning, can hardly be said to be error apparent on the face of the record, justifying the court to exercise powers of review, in exercise of



review jurisdiction.

15. Further, in the case of **Rajendra Kumar Vs. Rambai; AIR 2003 SC 2095**,

the Honourable Supreme Court was pleased to observe about the limited scope of judicial intervention, at the time of review of the judgement and observe, as under:-

"The limitations on exercise of the power of review are well settled. The first and foremost requirement of entertaining a review petition is that the order, review of which is sought, suffers from any error apparent on the face of the order and permitting the order to stand will lead to failure of justice. In the absence of any such error, finality attached to the judgement/order cannot be disturbed."

16. In the case of **Lily Thomas Vs. Union of India; AIR 2000 SC 1650**, the

Honourable Supreme Court was pleased to observe that power of review can be exercised for correction of a mistake and not to substitute a view. Such powers can be exercised within limits of the statute dealing with the exercise of power. The aforesaid view is reiterated in the case of **Inderchand Jain Vs. Motilal; (2009) 4 SCC 665**.

17. Further, in the case of **Kamlesh Verma Vs. Mayawati and others; 2013 (8)**

SCC 320, the Honourable Supreme Court was pleased to observe, as under:-

"19. Review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of CPC. In review jurisdiction, mere disagreement with the view of the judgement cannot be the ground for invoking the same. As long as the point is already dealt with and answered, the parties are not entitled to challenge the impugned judgement in the guise that an alternative view is possible under the review jurisdiction."

Summary of the Principles:



20. Thus, in view of the above, the following grounds of review are maintainable as stipulated by the statute:

20.1. When the review will be maintainable:-

(i) *Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;*

(ii) *Mistake or error apparent on the face of the record;*

(iii) *Any other sufficient reason.*

*The words "any other sufficient reason" has been interpreted in **Chhajju Ram vs. Neki**, AIR 1922 PC 112 and approved by this Court in **Moran Mar Basselios Catholicos vs. Most Rev. Mar Poulouse Athanasius & Ors.**, AIR 1954 SC 526, to mean "a reason sufficient on grounds at least analogous to those specified in the rule". The same principles have been reiterated in **Union of India vs. Sandur Manganese & Iron Ores Ltd. & Ors.**, 2013 (8) SCC 337.*

22.2. When the review will not be maintainable:-

(i) *A repetition of old and overruled argument is not enough to reopen concluded adjudications.*

(ii) *Minor mistakes of inconsequential import.*

(iii) *Review proceedings cannot be equated with the original hearing of the case.*

(iv) **Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.**

(v) **A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error.**

(vi) **The mere possibility of two views on the subject cannot be a ground for review.**



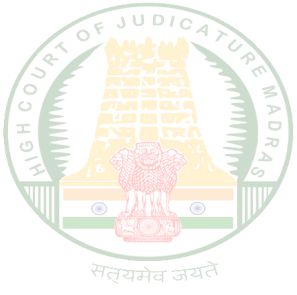
(vii) The error apparent on the face of the record should not be an error which has to be fished out and searched.

(viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.

(ix) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negated."
(emphasis supplied)

18. In this review application, the Applicant has come forward with the same story that was pleaded by them in the Writ Petition and the Writ Appeal, as well. A Review is not an appeal in disguise, as has been, time and again, held by several judgements of the Honourable Supreme Court, referred to above. The Court can exercise its power of review, only when there is an error apparent on the face of record and even an error, which is not apparent on the face of the record, but has to be detected by a process of reasoning, cannot be a ground for review. Any ground, which does not fall under Order 47 Rule 1 of CPC, cannot be considered in a review application. Therefore, this Court finds no ground within the scope of Order 47 Rule 1 of CPC or merit in this Review Application and accordingly, this Review Application is liable to be dismissed.

19. In the result, in view of the above said discussions, reasons and in the light of the decisions, referred to above, this review application is dismissed, as devoid of merits. Consequently, the connected Civil Miscellaneous Petition is closed. There is no order as to costs. The file is consigned to record.



Rev.A.No.175 of 2



(S.M.S.,J.) (S.S.A.,J.)
12-08-2026

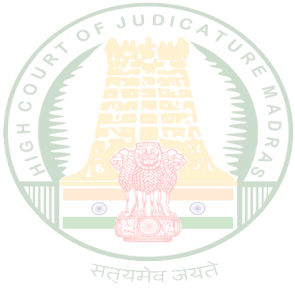
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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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**S.M.SUBRAMANIAM, J.
AND
SHAMIM AHMED, J.**

SRCM

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