

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE P.D.RAJAN

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

R.P.No. 312 of 2015 IN WA.1873/2014

AGAINST THE JUDGMENT IN WA 1873/2014 of HIGH COURT OF KERALA DATED 29-01-2015

REVIEW PETITIONER/1ST RESPONDENT:

GANESAN,
S/O.BALAN, AGED 40 YEARS, PROPRIETOR
U.T.UNITED TRAVELS, APM COMPLEX, TIRUR
MALAPPURAM DISTRICT.

BY ADV. SRI.C.M.MOHAMMED IQUABAL

RESPONDENTS/APPELLANT AND R2 AND R3:

1. SURESH KUMAR K,
AGED 42, S/O.NEELAKANTAN, KOTTAPARAMBATH HOUSE
POST KUNDUPARAMBA VIA. MAVOOR, KOZHIKODE DISTRICT 673 001.
2. THE LABOUR COURT,
KOZHIKODE 673 020
3. THE DISTRICT LABOUR OFFICER,
CIVIL STATION, KOZHIKODE 673 020.

R BY GOVERNMENT PLEADER SRI.P.FAZIL
R BY SRI.K.A.SALIL NARAYANAN

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 03-11-2015
ALONG WITH RP 331/15, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ANTONY DOMINIC & P.D.RAJAN, JJ.

**R.P.No.312 of 2015 in W.A.No.1873 of 2014 &
R.P.No.331 of 2015 in W.A.No.1921 of 2014**

Dated this the 3rd day of November, 2015

ORDER

Antony Dominic, J.

These review petitions are filed seeking review of the judgment in W.A.Nos.1873/14 and 1921/14. By the judgment under review, this Court had directed that wages under Section 17B of the Industrial Disputes Act be paid to the respondent workman in whose favour an award of reinstatement has been passed by the Labour Court, Kozhikode, from the date of filing of the writ petition. According to the learned counsel, in view of the judgment of the Apex Court in Uttaranchal Forest Development Corpn. and another v. K.B.Singh and Others [2005 KHC 2015] wages under Section 17B is payable only from the date on which an affidavit of unemployment is filed in the High Court and not from the date of institution of the writ petition, challenging the award.

2. In our view, this contention now raised though on the face of it does not make out a case of an error apparent on the face of the record justifying a review petition, this contention is also plainly against the terms of Section 17B which entitles a workman for wages thereunder, “during the

period of pendency of such proceedings in the High Court or the Supreme Court”. Therefore, the entitlement does not depend upon the date of filing of the affidavit as contemplated under Section 17B but is during the period when such proceedings are pending before the High Court.

There is no merit in these review petitions and are accordingly dismissed.

SD/-
ANTONY DOMINIC
JUDGE

SD/-
P.D.RAJAN
JUDGE

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