IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

RP.No. 494 of 2015 () IN WA.1719/2008

AGAINST THE ORDER/JUDGMENT IN W.A 1719/2008 of HIGH COURT OF KERALA DATED 28.5.2008

REVIEW PETITIONER(S)/APPELLANTS/PETITIONER:

FRTILIZERS AND CHEMICALS TRAVANCORE LIMITED,
UDYOGAMANDAL, ERNAKULAM 683 501.

BY ADVS.SRI.K.ANAND (SR.)
SMT.LATHA KRISHNAN,SC, F.A.C.T.

RESPONDENT(S)/RESPONDENTS/RESPONDENTS:
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1. **JAMES PHILIP,**
   PHILIP BHAVAN, MANNUTHY P.O, THRISSUR 680 651.

2. **LABOUR COURT, ERNAKULAM**

R1 BY SRI.P.RAMAKRISHNAN
R2 BY SMT.SOBHA ANNAMMA EAPEN, GOVERNMENT PLEADER

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 19-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

DG

RP.No. 494 of 2015 ()

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE A1:	**COPY OF THE COMMUNICATION DATED 7.4.2009.**
ANNEXURE A2:	**COPY OF LETTER DATED 18.4.2009, ISSUED BY THE 1ST RESPONDENT.**

RESPONDENT'S EXHIBITS - NIL

//TRUE COPY//

P.A TO JUDGE

THOTTATHIL B.RADHAKRISHNAN &

P.B.SURESH KUMAR, JJ.

C.M.Appl.No.196 of 2015 & R.P.No.494 of 2015
in
W.A.No.1719 of 2008

Dated this the 19th day of November, 2015

O R D E R

Thottathil B.Radhakrishnan, J.

1. This application seeking review of judgment in writ appeal comes up with an application seeking condonation of delay of 114 days in filing the review petition.

2. We have heard the learned senior counsel for the review petitioner in relation to the delay petition and the application seeking review.

3. The delay is sought to be explained by stating that it was on account of delay in getting administrative sanction after legal opinion was obtained. This is not a sufficient cause for the purpose of condoning the delay in terms of Section 5 of the

Limitation Act.

4. Be that as it may, we will consider the application for review also to see whether there is any ground to entertain the review petition at all. The review is sought on the basis of what are produced as Annexures A1 and A2 along with the application for review. The workman was handed down an award by the Industrial Tribunal for reinstatement with ¼ backwages. He was removed from service on 9.11.1993. The ¼ backwages which had to be paid obviously covered such wages from that date till actual reinstatement. The fact that there was an offer after the establishment's writ appeal was filed, requiring the workman to rejoin duty and deferring consideration of repayment of the backwages in view of the interlocutory order obtained in the writ appeal, in our view, does not provide any ground for seeking review of the judgment in the writ appeal affirming the decision of the learned single Judge dismissing the establishment's writ petition against the award of the Industrial Tribunal. The mere fact that the workman would have or would not have enjoyed any order under section 17 B

of the Industrial Disputes Act, 1947 during the pendency of writ petition and writ appeal is also of no such consequence which calls for deliberation at our hands through this review petition.

In the result, C.M.Application and review petition are dismissed.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

Sd/-
(P.B.SURESH KUMAR, JUDGE)

//TRUE COPY//

P.A TO JUDGE

DG