

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 29-03-2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

REVIEW APLN.(WRIT) No.258 OF 2015

Indian Bank Jewel Appraisers Association,
rep.by its General Secretary
Mr.S.Bakthavathasalam

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Applicant

-VS-

1.Government of India,
rep.by its Secretary,
Ministry of Labour and Employment,
Shram Sakthi Bhavan,
New Delhi-110 001.

2.Indian Bank,
rep.by its General Manager (HR),
Corporate Office,
254-260, Avvai Shanmugam Salai,
Royapettah,
Chennai-600 014.

3.The Assistant Commissioner of Labour (Central),
Sastri Bhavan,
No.26, Haddows Road,
Nungambakkam,
Chennai-600 006.

4.The Desk Officer,
Government of India,
Bharat Sarkar,
Ministry of Labour/Shram Mantralaya,
New Delhi.

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Respondents

Review Application against the order, dated 25.08.2015, passed in

W.P.No.33464 of 2014, on the file of this Court.

For applicant : Mr.R.Sathiyamoorthy,
for Mr.M.V.Muralidharan

For respondents 1,3 &4 : Mr.Su.Srinivasan,
Asst.Solicitor General of India.

For respondent 2 : Mr.Jayesh B Dolia
for M/s.Aiyer & Dolia

ORDER

Heard Mr.R.Sathiyamoorthy, learned counsel appearing on behalf of Mr.M.V.Muralidharan, learned counsel for the applicant.

2. This Review Application, at the instance of the applicant, is to review the order, dated 25.08.2015, passed in W.P.No.33464 of 2014, on the file of this Court.

3. The petitioner in the Writ Petition, who is the review applicant herein, is an association, consisting of Jewel Appraisers, who appear to have been engaged by Indian Bank. The challenge in the said Writ Petition was to a proceeding of the Desk Officer, Government of India, Ministry of Labour, New Delhi, dated 31.10.2014, to regularise the services of the members of the petitioner association as Jewel Appraisers and extend all benefits. Writ Petition was disposed of on the following terms :

"34. On considering the facts and circumstances of the

case and arguments advanced by the learned counsels on all sides and on perusing the typed set of papers, this Court is of the view that if a comprehensive enquiry is conducted for adjudication, no one would be prejudiced. Therefore, this Court directs the second respondent to conduct a detailed enquiry in the presence of the third respondent and the petitioner after prior notice to the parties concerned and then pass final orders. Hence, the above writ petition is disposed of with the above direction. Consequently, the order passed by the fourth respondent made in No.L.12011/68/2014-IA(BII) dated 31.10.2014 is quashed."

4. Learned counsel for the applicant submitted that while disposing of the Writ Petition, the impugned order, dated 31.10.2014, has been quashed, and while doing so, the Court directed the second respondent management to conduct a detailed enquiry in the presence of the third respondent. It is submitted that the third respondent, being a subordinate officer in rank to the fourth respondent, who passed the impugned order, dated 31.10.2014, which has been quashed in the Writ Petition, such a direction could not have been issued.

5. In my view, the point raised by the applicant in this Review Application is not a ground for review, but, in effect, it is attempting to re-argue the entire matter. What the applicant seeks in this Review Application is virtually to redo the exercise and grant a different relief. In the light of the fact that the proceedings of the fourth respondent, dated 31.10.2014, have been quashed, unless and until there is an error apparent on the face of record, the question of interfering with the impugned order does not arise. Review Application cannot be an appeal in disguise. Undoubtedly, the ground raised by the applicant in effect seeks for rehearing the

matter and granting relief, which was not granted in the Writ Petition, for the reasons assigned therein. Therefore, no grounds have been made out by the applicant to entertain this Review Application. Accordingly, this Review Application fails and is dismissed. No costs.

Index : Yes/No
Internet : Yes/No
dixit

29-03-2016

To

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T.S.SIVAGNANAM,J.

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