

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2016

CORAM

THE HON'BLE Mr. JUSTICE **M.M.SUNDRESH**
and
THE HON'BLE Mr. JUSTICE **K.RAVICHANDRABAABU**

Rev. Apln. No.97 of 2015

M.Abdul Salam .. Applicant

Vs.

1.The Presiding Officer,
II Additional Labour Court,
Chennai.

2.The Management of
Addition & Co. Ltd.,
4, 15 and 19 Smith Road,
Chennai.

.. Respondents

Review Application preferred under Order XLVII Rule 1 r/w
Section 114 of C.P.C. against the order of this Court made in
W.A.No.2631 of 2012 dated 25.07.2014.

For Applicant : Mr.D.Muthukumarappa

For Respondents : Mr.Sanjay Mohan
for M/s.S.Ramasubramaniam
Associates for R2
R1 - Court

ORDER

(Order of the Court was made by **M.M.SUNDRESH, J.**)

Seeking to review the order dated 25.07.2014 made in W.A.No.2631 of 2012, by engaging a different counsel other than the one who argued the matter at the relevant point of time, the present application has been filed.

2.The one and only submission made by the learned counsel appearing for the applicant is that the order of remittal ought not to have been passed in the light of the decision rendered in **Atlas Cycle Vs. Kitab Singh (2013 (2) LLJ 289)**. We are afraid that the said submission cannot be a ground for reviewing the order passed. We do not find any error apparent on the face of the record. The said judgment was already available at the time of passing the order in the writ appeal. The learned counsel for the applicant did not refer the said judgment. Even otherwise, the availability of a judgment alone cannot be a ground for review.

3.It is the applicant who is responsible for the delay though it is submitted that the delay has caused inconvenience to him. Though the

order was passed as early as 25.07.2014, the review itself has been numbered in the year 2015 and thereafter taken up only now. What was passed is only an order of remittal. In a writ of certiorari, this Court is concerned with the decision making process rather than the decision itself. Thus this Court has rightly held that the matter has to be looked afresh by the inferior Labour Court. In other words, this court cannot go into the factual details, after finding the procedural irregularity committed by the inferior Labour Court. Hence looking at from any angle, no ground is made out for review. Therefore, this review application is dismissed. However, considering the fact that sufficient time has been taken, though at the instance of the applicant, the Labour Court is directed to dispose of I.D.No.230 of 1998 within a period of four months from the date of receipt of a copy of this order. No costs.

(M.M.S.J.) (K.R.C.B.J.)
23.09.2016

Index:Yes/No
mmi

To

The Presiding Officer,
II Additional Labour Court, Chennai.

M.M.SUNDRESH, J
and
K.RAVICHANDRABAABU, J

mmi

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