

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.03.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Review Application (Writ) No.15 of 2016

K.Subramaniam

...Petitioner

Vs.

1. AA 226, Modakuruchi Primary
Agricultural Cooperative Bank Limited,
Modakuruchi - 638 104,
Erode District.

2. The Presiding Officer,
Labour Court, Salem.

...Respondents

This Review Application has been filed under Order XLVII Rule 1
r/w 114 of the Code of Civil Procedure against the order passed by this
Court in W.P.No.15301 of 2015, dated 16.12.2015.

For Petitioner : Mr.K.Premkumar

For Respondent-1 : Mr.C.Prakasam

For Respondent-2 : Labour Court

ORDER

This Review Application has been filed to review the order passed in in W.P.No.15301 of 2015, dated 16.12.2015.

2. Mr.K.Premkumar, the learned counsel appearing for the review petitioner submits that, this Court remanded the matter to the Labour Court, Salem, by considering the decreetal order, and not the speaking order passed by the Labour Court. The said speaking order/detailed order is stated to have been obtained by the review petitioner, and annexed at page No.1 of the typed set of papers, filed in connection with the Review Petition. On a perusal of the so called detailed order, it is seen that the said order is fully devoid of merits. It is settled legal position that, even if the respondent/Management did not appear in the claim proceedings initiated by the review petitioner/employee, that *per se*, would not mean that the review petitioner/employee is automatically entitled to a decree. Even the *ex parte* decree should assign reasons, as to why, the Labour Court is convinced to pass such a decree, or passed the order, in the absence of the contesting respondent. This being absent in the impugned proceedings, there is no error apparent on the face of records in the order passed by this Court in the Writ Petition, referred to above.

3. For the aforesaid reasons, the Review Petition is dismissed. At this juncture, the learned counsel appearing for the petitioner prayed that this Court may be pleased to fix some time for early disposal of C.P.No.7 of 2002. In view of the above submission, the Labour Court, Salem, is requested to expedite the hearing of case in C.P.No.7 of 2002, and dispose of the same, preferably, within a period of three months from the date of receipt of a copy of this order. No costs.

03.03.2016

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Index : yes/no

To

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2. The Presiding Officer,
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T.S.Sivagnanam, J.

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