

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 20.09.2017

CORAM

**THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND**

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

REVIEW APPLICATION NO. 80 OF 2017

IN

W.A. NO. 1619 OF 2014

N.Vijayan

.. Applicant

- Vs -

1. M/s.Tamil Nadu Industrial
Explosives Pvt. Ltd.
Rep. By its General Manager
Tel Post, Vellore 632 519.

2. The Presiding Officer
Labour Court, Vellore.

.. Respondents

Review Application filed to review the order dated 16.08.2016 passed in
W.A. No.1619 of 2014.

For Applicant : Mr. S.T.Varadarajulu

ORDER

(DELIVERED BY HULUVADI G.RAMESH, J.)

This application is filed by the applicant to review the order passed by this
Court in W.A. No.1619 of 2014.

2. Heard the learned counsel appearing for the review applicant and perused the order passed by this Court in the appeal.

3. This Court, vide its order in the appeal, modified the order of the learned single Judge that in lieu of reinstatement, the workman would be paid compensation, since the tenure of service of the workman was only for a period of six months. The said view was taken by this Court referring to the judgment of the Supreme Court in ***State of Rajasthan – Vs – Sarjeet Singh (2006 (8) SCC 508)***.

4. The present application has been filed by the workman to review the said order contending that ordering of compensation alone would work hardship to the workman as he would be rendered without employment and, therefore, urged the Court to review its order. Though such a plea has been raised by the workman, however, no error apparent on the face of the record has been pointed out by the workman to review the said order except to evoke the sympathy of this Court. The period of service of the workman was only six months. Though this Court could have set aside the order of reinstatement of the workman without ordering compensation, however, on a sympathetic consideration, relying on the judgment of the Supreme Court in *Sarjeet Singh case (supra)*, ordered payment of compensation.

5. In such view of the matter, the order in appeal having been passed on a sympathetic consideration and there being no error apparent on the record pointed out by the learned counsel for the applicant, no ground is made out to review the order passed by this Court.

6. Accordingly, this review application is dismissed.

(H.G.R.J.) (M.V.M.J.)

20.09.2017

Index : Yes/No

Internet : Yes/No

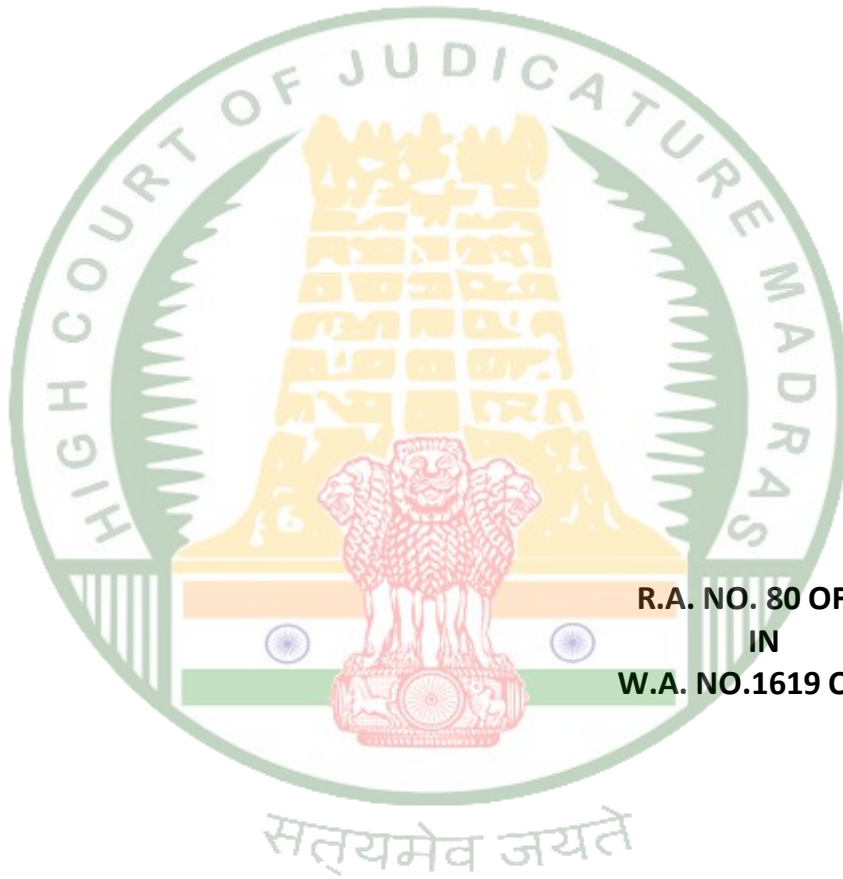
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HULUVADI G.RAMESH, J.
AND
M.V.MURALIDARAN, J.

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