



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (NPD) (MD) .No.642 of 2016

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Rajendran

... Petitioner

Vs.

1.Visuvasam

Perumalsamy Naicker (died)

2.Velrajan

3.Jeyarasu

... Respondents

PRAYER: Petition filed under Article 227 of the Constitution of India to call for the records pertaining to W.C.No.23 of 2005 (NF) on the file of the Deputy Commissioner, Labour Court, Tirunelveli and set aside the award dated 03.07.2015 as against this petitioner and allow this Civil Revision Petition.

For petitioners : Mr.P.Ramasamy

For R1 and R2 : No appearance

For R3 : Mr.R.Ramachandran

ORDER

The petitioner herein has filed this Civil Revision Petitioner, questioning the impugned award dated 03.07.2015, made in W.C.No.23 of 2005 on the file of the Deputy Commissioner of Labour for Workmen Compensation, Tirunelveli.

2.If the revision petitioner is aggrieved by the said award, only an appeal under Section 30 of the Act would lie. The petitioner must show that substantial question of law is involved. A Civil Revision Petition under Article 227 of Constitution of India is clearly not maintainable.

3.Therefore, this Court holds that this Civil Revision Petition is not maintainable. It is for the petitioner to file a Civil Miscellaneous Appeal under the said provision.

4.However, liberty is given to the petitioner herein to file such an Civil Miscellaneous Appeal. The time spent in prosecuting this Civil Revision Petition will be excluded while computing the limitation in filing such a Civil Miscellaneous Appeal.

<https://hcservices.ecourts.gov.in/hcservices/>

5.At this stage, the learned counsel appearing for the revision petitioner sought leave to withdraw the Civil Revision



Petitioner with liberty to file a Civil Miscellaneous Appeal. Liberty is granted. The Registry is directed to return the impugned order in original, filed by the revision petitioner herein.

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6. Accordingly, this Civil Revision Petition is dismissed as withdrawn. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar (CS-IV)

To:

1. The Deputy Commissioner,
Labour Court,
Tirunelveli.
2. The Record Keeper, (2 copies)
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr. P. Ramasamy, Advocate Sr.No. 86985
+1cc to Mr. R. Ramachandran, Advocate Sr.No. 87741

PNN

VB/SKN/SAR/26.10.2018/2P/6C

**ORDER MADE IN
C.R.P. (NPD) (MD) .No. 642 of 2016
26.09.2018**