

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

REV.APLN(W).No.189 & 190 of 2014

A.Jakkiria Basha ..Petitioner in Rev.Apln(W).No.189 of 2014

R.Siddaiyan ...Petitioner in Rev.Apln(W).No.190 of 2014

Vs.

1. The Presiding Officer,
Central Government Industrial Tribunal-cum-
Labour Court,
Chennai-600 006

2. The Assistant General Manager,
State Bank of India,
Zonal Office, Coimbatore. ..Respondents in both Rev.Aplns

Common Prayer : Review Petition filed under Order 47 Rule 1 read with Section 114 C.P.C, to review the order dated 25.04.2012 in W.P.Nos.7655 & 7656 of 2008 and grant the relief sought for in the writ petition.

For Petitioner : M.Ravi

For Respondents : R1-Labour Court
Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co

for R2.

COMMON ORDER

The present review petitions are filed to review the order dated 25.04.2016 made in W.P.Nos.7655 & 7656 of 2008.

2. This Court, while adjudicating the facts and circumstances as well as the grounds raised by the respective parties, passed an elaborate order in the writ petitions as follows:

19. *The Labour Court held that the two petitioners are not entitled for any regularization or reinstatement. The Labour Court also held that as temporary employees, they are not entitled for absorption to regular services or made permanent, merely on the basis of the continuous service of work. Challenging the two awards, the petitioners contended that their initial employment was legal and not through backdoor. They were sponsored by the Employment Exchange. The Bank's circular provides for absorption. The Tribunal did not consider the contentions raised by them, including the contention regarding protection under Chapter A of the Industrial Dispute Act. However, the first question*

whether the petitioners are entitled to maintain the present writ petitions in the light of the settlement signed between the parties filed and marked as Ex.M1 to M5 has to be answered. The petitioners have no answer in the concluding statement. In fact in the earlier round of litigation, where the Division Bench had granted relief to one set of workmen and for other set of workmen like that of the two petitioners, the relief was denied. This Court also do not find any case made out by the petitioners to interfere with the impugned award. Hence, these two writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petition are closed.

3. Against the aforesaid judgment, the present review petitions are filed mainly on the ground that as per the settlement, the review petitioners are entitled for permanent absorption in the services of the second respondent/~~State~~ Bank of India. It is further contended that the petitioners in the review petitions were recruited as temporary employees in the Bank under the guidelines and circulars provided for the regularization of services of temporary employees and any settlement is redundant and in any

case, the petitioner is not bound by the settlement under Section 18(1) of the I.D.Act entered into between the alleged Federation and the Bank. Other grounds raised in the memorandum of grounds are with reference to the facts as well as the documents appreciated by the learned Judge and those grounds would not constitute a ground to review the order passed. Those grounds raised may be a ground for appeal and certainly not to review the order already passed by this Court. Re-adjudication of the grounds or facts is impermissible, as the scope of the review petition is undoubtedly limited.

4. The learned counsel for the review petitioners, by filing an additional typed set of papers, brought to the notice of this Court that the Hon'ble Supreme Court of India passed an order on 03.10.2019 in C.A.Nos.6883 to 6884 of 2016, wherein the benefit of permanent absorption was granted to certain employees and the case of the review petitioner is also considered, based on the judgment of the Hon'ble Supreme Court.

5. In this regard, the review petitioner sent a representation

to the respondent/Management and the said representation is to be considered.

6. The Hon'ble Supreme Court of India in the said judgment unambiguously held that *"we also make it clear to the private individual respondents, that such determination will not be available for further challenge and must put a quietus to the dispute and the benefit, if any, would also go to any of the respondents alone before us and not to open another pandoras box after three decades"*. The Apex Court further observed that *"the remit is confined to this aspect alone making the view to be taken by the learned Judge final and thus making it clear that no further challenge in this behalf will be entertained from any of the parties or any third party now seeking to claim any right"*.

7. As far as the present review petitions are concerned, the claim of the review petitioners was rejected by this Court in the writ petitions, by order dated 25.04.2012. The writ petitioner has not chosen to file any intra-court appeal and now has chosen to file

review petitions.

8. This being the factum, this Court is of the considered opinion that the benefit of permanent absorption now cannot be granted in these review petitions, nor any direction to consider the case of the review petitioners can be granted, as the Hon'ble Supreme Court unambiguously held that the relief cannot be extended now after three decades and the issues also settled, which cannot be unsettled or reopened.

9. This being the facts and circumstances, the present review petitions are devoid of merits and stand dismissed. No costs. Consequently, connected miscellaneous petition is closed.

28.11.2019

ssb

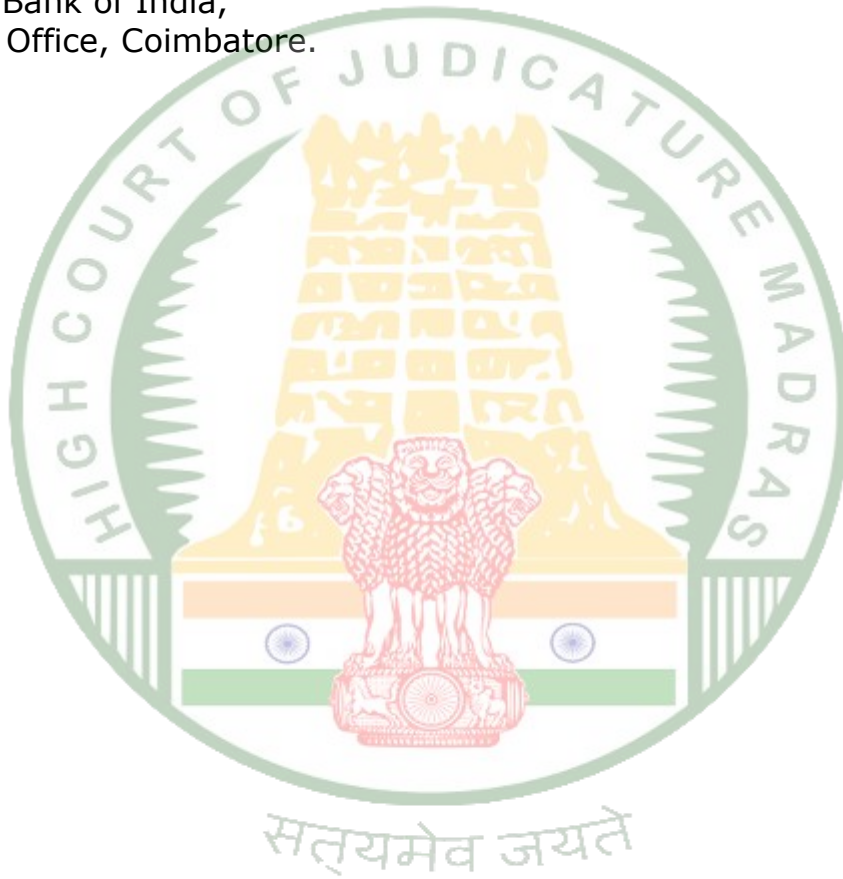
Index: Yes/No

Speaking order/Non-speaking Order

WEB COPY

To

1. The Presiding Officer,
Central Government Industrial Tribunal-cum-
Labour Court,
Chennai-600 006
2. The Assistant General Manager,
State Bank of India,
Zonal Office, Coimbatore.



WEB COPY

REV.APLN(W).No.189 & 190 of 2014

S.M.SUBRAMANIAM, J.

ssb



REV.APLN(W).No.189 & 190 of 2014

28.11.2019

WEB COPY