



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2021

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

Reivew Application (MD).No.104 of 2021

and

C.M.P.(MD) No. 8512 of 2021

The Management,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Madurai-10.

...Review Petitioner/1st Respondent

-vs-

1.The Presiding Officer,
Labour Court, Madurai.

...1st Respondent/2nd Respondent

2.K.V.Mani

...2nd Respondent/ Appellant

Review Application filed under Order 47 Rule 1 read with Section 114 of Code of Civil Procedure, to review the judgment dated 07.11.2019 in W.A.(MD) No.735 of 2013.

Prayer in WA(MD)No.735 of 2013:

Writ Appeal filed under Clause 15 of Letters Patent Act, praying this Court, to set aside the order dated 15.06.2009 in WP(MD)No.5490 of 2005.

Prayer in WP(MD)No. 5490 of 2005 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue appropriate writs, orders or directions and in particular issue in the nature of Writ of CERTIORARIFIED MANDAMUS after calling for the records relating to the Award dt.16.12.03 and quash the same.

For Applicant : Mr.J.Senthil Kumaraiah,
Standing Counsel

For Respondent-2 : Mr.S.Arunachalam



ORDER

WEB COPY (Order of the Court was made by T.S.Sivagnanam, J.)

This Review Application has been filed to review the judgment and order dated 07.11.2019 in W.A.(MD) No.735 of 2013.

2.The Writ Appeal has been filed by the second respondent-workman to set aside the order in W.P.(MD) No.5490 of 2005 dated 15.06.2009. By the said order, the writ petition filed by the workman was dismissed holding that there is no error in the award passed by the Labour Court denying backwages. Aggrieved by the same, the workman filed Writ Appeal and after considering all the factual and legal issues, we had disposed of the Writ Appeal by judgment dated 07.11.2019. The operative portion of the judgment reads as follows:-

"11.In the result, the writ appeal is disposed of by directing the respondent Management to reinstate the workman in service in terms of the award of the Labour Court; extend all attendant benefits notionally to him, except backwages; remit the employer's contribution towards provident fund and consequently, compute the terminal benefits and pension payable to the workman and disburse the same as expeditiously as possible, but not later than three months from the date of receipt of a copy of this Judgment. It is made clear that the workman is not entitled to make any claim for interest as the order of reinstatement is pursuant to the award of the Labour Court, which was affirmed by the Writ Court. No costs."

3.After elaborately hearing Mr.J.Senthil Kumaraiah, learned Standing Counsel we find that the attempt of the review applicant is to re-argue the Writ Appeal, which is impermissible in a Review Application. Furthermore, the review applicant has not been able to point out any error, which is apparent on the face of the judgment warranting exercise of review jurisdiction. Hence, we find no grounds to entertain the Review Application. Accordingly the Review Application stands dismissed.

4.It is submitted by the learned counsel for the review applicant-Management that certain negotiation talks were being held by the Management with the second respondent. It is made clear that the dismissal of this Review Application will not be a bar for the parties to discuss and arrive at an amicable settlement, if they so



advised to do so. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

WEB COPY

/ /2021

Sub Assistant Registrar(CS)

abr

To

The Presiding Officer,
Labour Court,
Madurai.

Rev.Applc.(MD) No.104 of 2021
17.09.2021

MGJ(21.10.2021) 3P 2C