



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.M.P. (MD)Nos.11980 and 11982 of 2020

in

Rev.APLW(MD)SR Nos.33804 and 33808 of 2020

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W.M.P. (MD)No.11980 of 2020

R.Mohan ... Petitioner/1st Respondent

Vs.

1.A.Savariapitchai ... Respondent/Petitioner

2.The Assistant Labour Commissioner, (Central),
No.5, Lady Dock College Road, (2nd Floor),
Chinnachokkikulam,
Madurai - 625 002. ... Respondent/Respondent

PRAYER IN W.M.P. (MD)Nos.11980 of 2020: Miscellaneous Petition filed under Article 226 of the Constitution of India, to condone the delay of 918 days in filing the Review Petition SR.No.33804 of 2020 in W.P. (MD)No.1433 of 2012 dated 12.02.2018.

PRAYER Rev.APLW(MD)SR No.33804 of 2020: Review Application filed under Order XLVII, Rule 1 r/w Section 114 of Civil Procedure Code, to review the order passed in W.P.(MD)No.1433 of 2012 dated 12.02.2018, passed by this Court.

Prayer in WP(MD). 1433 of 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the 1st Respondent in file No.50/Mis/2009-A/M, quash the order passed in No.50/Misc/2009-A/M, dated 06.01.2010.

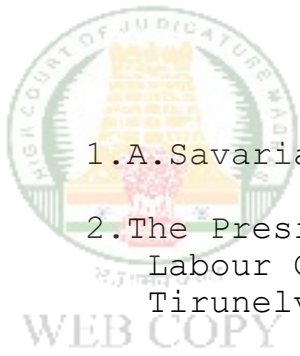
For Petitioner : Ms.D.Geetha

For Respondents : Mr.S.Jeyasingh for R2
Mr.S.Seenivasagam for R1

W.M.P. (MD)No.11982 of 2020

R.Mohan ... Petitioner/2nd Respondent

Vs.



1.A.Savariapitchai

2.The Presiding Officer,
Labour Court,
Tirunelveli.

3.The Territory Manager,
Bharat Petroleum Corporation Ltd.,
L.P.G.Bottling Plant,
Bye Pass Road,
Thoothukudi.

... Respondents/Respondents

PRAYER W.M.P. (MD)Nos.11982 of 2020: Miscellaneous Petition is filed under Article 226 of the Constitution of India, to condone the delay of 918 days in filing the Review Petition SR.No.33808 of 2020 in W.P. (MD)No.1767 of 2015 dated 12.02.2018.

PRAYER in Rev.APLW(MD)SR No.33808 of 2020: Review Application is filed under Order XLVII, Rule 1 r/w Section 114 of Civil Procedure Code, to review the order passed in W.P.(MD)No.1767 of 2015 dated 12.02.2018, passed by this Court.

Prayer in WP(MD). 1767 of 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari or such other suitable writ or order calling for the records of the 1st respondent in C.P.No.71/13 Quash the order dated 25.11.14 and to pass such other orders as this Honourable Court.

For Petitioner : Ms.D.Geetha

For Respondents : Mr.S.Jeyasingh for R3

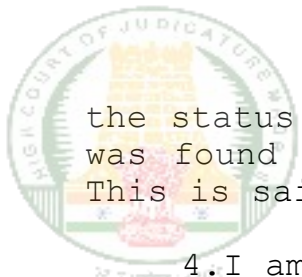
Mr.S.Seenivasagam for R1

C O M M O N O R D E R

Heard the learned counsel on either side.

2.These review applications have been filed to review the order passed by this Court in W.P.(MD)No.1433 of 2012 and W.P.(MD)No.1767 of 2015. However, there has been delay in filing the review applications. To condone the same, these miscellaneous petitions have been filed.

3.The cases have been filed with a delay of 918 days. The management opposes the condonation of the delay. In the affidavit filed in support of the miscellaneous petitions the reason assigned is that the junior counsel, who represented the petitioner's counsel was under the impression that orders were not passed on 12.02.2018 and that the writ petitions were adjourned. Only much later, when



the status of the cases were verified in the High Court website, it was found that the writ petitions had been disposed on 12.02.2018. This is said to be reason for the delay.

4.I am not able to accept the cause projected in the affidavits filed in support of the condone delay petitions. The writ petitions were allowed by me by dictating orders in the open Court. Therefore, the learned counsel who represented the petitioner herein could not have been under any erroneous impression. Therefore, the reason assigned by the petitioners is rejected and W.M.P.(MD)Nos.11980 and 11982 of 2020 are dismissed.

5.In view of the order passed in W.M.P.(MD)Nos.11980 and 11982 of 2020, the Review Applications are rejected at the SR stage itself.

Sd/-

Assistant Registrar(CS-II)

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/ /2021

Sub Assistant Registrar(CS)

Ias

To

1.The Presiding Officer,
Labour Court,
Tirunelveli.

2.The Assistant Labour Commissioner, (Central),
No.5, Lady Dock College Road, (2nd Floor),
Chinnachokkikulam,
Madurai - 625 002.

+2 CC to M/s.D.GEETHA, Advocate (SR-11461 & 11462[F] dated 16/03/2021)

+1 CC to Mr.S.SEENIVASAGAM, Advocate SR.No. 11434

+2 CC to Mr.S.JEYASINGH, Advocate SR.No. 11370, 11371

W.M.P. (MD)Nos.11980 and 11982 of 2020

in

Rev.APLW(MD)SR Nos.33804 and 33808 of 2020

15.03.2021

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NA(CO)

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