



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

C.M.P.[MD]No.10590 of 2019

in

Rev.Aplc.[MD]No.SR78095 of 2019

The Management
Sittarevu Primary Agricultural
Co-operative Credit Society,
Sittarevu, Authur,
Dindigul District.
Applicant

... Petitioner / Review

Vs.

1.The Secretary to Government,
(Labour and Employment Department),
Government of Tamilnadu,
Fort St. George,
Chennai.

2.The Assistant Commissioner of Labour (in-charge),
Collectorate Building,
Velu Nachiyar Valagam,
Dindigul.

3.M.Manoharan

... Respondents / Respondents

PRAYER in C.M.P.[MD]No.10590 of 2019: Petition filed under Section 5 of Limitation Act, praying to condone the delay of 18 days in filing Review Petition in W.A.(MD)No.944 of 2019.

PRAYER in Rev.Aplc[MD]No. SR78095 of 2019: Review Application filed under Order 47, Rule 1 and 2 read with Section 114 of the Code of Civil Procedure, to review the order, dated 20.09.2019 passed in W.A.(MD)No.944 of 2019 and allow the review application.

Prayer in WA(MD). 944/ 2019 :

Writ Appeal filed under Clause 15 of the Letter Patent Act to set aside the order passed in WP(MD)No.17134 of 2015 dated 30.11.2018 and allow the present Writ Appeal.



Prayer in WP(MD). 17134/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records on the file of the 1st respondent in G.O. Ms.No.50, Labour ad Employment (M1) Department dated 13.3.2015 and quash the same and in the mean while direct the second respondent stop all further proceedings in pursuant to the order in P.G. No.27/2014 dated 22.5.2015.

For Petitioner : Mr.V.O.S.Kalaiselvam
For R1 and R2 : Mr.P.Thangapandian

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

We have heard Mr.V.O.S.Kalaiselvam, learned Counsel for petitioner and Mr.P.Thangapandian, learned Counsel for the respondents 1 and 2.

2.This petition has been filed to condone the delay of 18 days in filing the Review Application.

3.At the request, we have heard the learned counsels, on the merits of the Review Application. We find that the present attempt of the petitioner Society is a clear abuse of process of the Court. The attempt of the petitioner Society is to re-agitate the matter, which is not permissible in the review application.

4.The Court, while considering the Writ appeal, has granted sufficient indulgence and in fact fixed the interest at 9% per annum and also permitted the petitioner Society to pay in two equal installments. First of which, shall be paid on or before 14.10.2019 and the second installment shall be paid on or before 14.11.2019.

5.The petitioner Society did not comply with the order and filed the Review Application on 13.11.2019 and kept the matter in storage. Since we are of the clear view that the present attempt of the petitioner Society is to delay and make the judgment in the writ appeal unworkable, it would be justified in initiating *Suo-motu* contempt proceedings against the Management of the Society. But, however, we refrain from doing so, as it may not render any benefit to the respondent Employee. Therefore, we dismiss this petition and direct the petitioner Society to settle entire gratuity claim in one installment with 9% interest on or before 30.07.2021. If it is not settled within the said time, the amount shall be settled together with penal interest at the rate of 18% per annum.



6. Accordingly, the petition for condonation of delay is dismissed. Consequently, the Review Application stands rejected in the SR stage itself.

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Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Ls/akv

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. The Secretary to Government,
(Labour and Employment Department),
Government of Tamilnadu,
Fort St. George,
Chennai.
2. The Assistant Commissioner of Labour (in-charge),
Collectorate Building,
Velu Nachiyar Valagam,
Dindigul.

+1CC TO MR.R.THANGAPANDIAN, ADVOCATE, SR NO.22024

+1CC TO MR.V.O.S.KALAISELVAM, ADVOCATE, SR NO.22022

C.M.P.[MD]No.10590 of 2019

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