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W.M.P.No.28205 of 2022
in
W.P.No.23798 of 2013

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M.S.RAMESH,J.

In the final orders passed by this Court on 27.01.2022, the main writ petition came to be dismissed with a consequential direction to the management to reinstate the workman back into service, if he had not already reached the age of superannuation, together with continuity of service and full back wages from the date of termination/date of retirement, within a period of four weeks.

2. It is now stated that since the workman had reached the age of superannuation in the year 2013 itself, he could not be reinstated back into service.

3. The present miscellaneous petition has been filed seeking for modification of the final order dated 27.01.2022, since there was no direction to the Labour Court to permit the workman to withdraw the



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amount of Rs.7,78,000/- together with interest, which was lying to the credit of I.D.No.925 of 2001.

4. Since final orders have already been passed in the writ petition, the prayer for modification may not be maintainable. However, by invoking the powers under Article 226 of the Constitution of India, the present modification petition is treated as a review petition.

5. The learned counsel appearing for the management does not have any objection if the amount which is lying in the credit of the Industrial Dispute is withdrawn by the workman.

6. In the light of the submissions made, there shall be a direction to the learned Presiding Officer, III Additional Labour Court, City Civil Court Buildings, High Court Compound, Chennai to permit the petitioner herein/ workman to withdraw the balance amount of Rs.7,78,000/-, together with accrued interest, which is lying to the credit of I.D.No.925 of 2001, on filing



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of an appropriate application by the petitioner herein/workman. The learned Presiding Officer shall endeavour to the dispose of the application seeking for withdrawal on the same day.

7. The final order dated 27.01.2022 passed in W.P.No.23798 of 2013 stands reviewed to the above effect and all other observations and findings made in the original order dated 27.01.2022 shall remain intact.

12.12.2022

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Note: Issue order copy on 15.12.2022



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