



REV.APLC(MD) No.110 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2022

CORAM

THE HONOURABLE Mr.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

REV.APLC(MD) No.110 of 2022

M.Dinakaran

... Applicant / Appellant

Vs

1.The Management

A876, Cumbum Urban Co-operative Society
Nehruji Street, Cumbum
Theni District - 625 516
The Metal Powder Company
Madurai District - 625 706.

... Respondent /Writ Petitioner

2.The Presiding Officer

Labour Court, District Court Buildings
Melur Road, Madurai - 625 020.

.... Respondent / 1st Respondent

Prayer : Review Application filed under Order 47 Rules 1 & 2 r/w. Section 114 of CPC, praying to review the order dated 06.04.2022 passed in W.A(MD) No. 450 of 2011.



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For Applicant : Mr.T.Ravichandran

ORDER

[Order of the Court was made by R.SUBRAMANIAN.J]

(Through Video Conferencing)

The applicant seeks review of our judgment dated 06.04.2022 made in W.A(MD) No.450 of 2011.

2. Mr.T.Ravichandran, learned counsel appearing for the applicant would submit that after having recorded that the punishment is disproportionate to the proven delinquency, we have modified it into one as a compulsory retirement which is almost equal to dismissal and therefore, the judgment in W.A(MD) No. 450 of 2011 needs to be reviewed.

3. We are unable to countenance the submissions of the learned counsel for the applicant. We have not found that the applicant was not guilty of any dereliction of duty. We have recorded the finding that the appellant has failed to bring the misdeeds of the Secretary to the notice of the higher-ups, which by itself would be a delinquency. Since we felt that the punishment of dismissal



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was disproportionate, instead of adopting normal course of remitting the matter to the employer, taking into account the fact that the applicant has reached the age of superannuation, we have modified the punishment to one as compulsory retirement, so that the petitioner would be entitled to all monetary benefits as he would be entitled to on his compulsory retirement. The learned counsel attempts now to re-argue the appeal which, we do not think, could be allowed in a review application.

4. We do not see any error on the face of the record and hence, the review application fails and it is accordingly dismissed. No costs.

[RSMJ] [NSKJ]
13.10.2022

Index : Yes / No
Speaking order / Non-speaking orders

To:

The Presiding Officer
Labour Court, District Court Buildings
Melur Road, Madurai - 625 020.



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R.SUBRAMANIAN. J.,
and
N.SATHISH KUMAR.J.,

ds

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