



W.P. No.4603 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

**W.M.P.No.24202 of 2023 in
Rev.Aplw.SR.No.97334 of 2023
in W.P.no.23266 of 2018**

AIR India Employees Progressive Union,
Rep. by its General Secretary
P.Raja,
S/o.Perumal,
No.1, 15th street,
Balaji Nagar, Anakaputhur,
Chennai 600 070.

... Petitioner

Vs

- 1 The Government of India
Rep. by Secretary,
Ministry of Civil Aviation,
New Delhi.
- 2 The Secretary
Government of India,
Ministry of Labour and Employment,
Sharam Sakthi Bhavan, Rafi Marg,
New Delhi - 110 001.
- 3 AIR India Ltd.
Rep. by Chief Executive Director,
AUC Building,
Contentment Pallavaram,
Chennai - 600 043.



W.P. No.4603 of 2016

4 Chairman and Managing Director,
AIR India Ltd.

Hansalaya Building V Floor,
No.15, Barakambha Road,
New Delhi - 110 001.

5 AIR India AIR Transport Services Limited,
(Wholly owned subsidiary of AIR India Ltd.)
Rep. by Nodal Officer,
AIR India Unity Complex,
Pallavaram Cantonment,
Chennai - 600 043.

6 General Manager - GH (Co-ord)
Southern Region,
Air India Airport Services
AIR India Unity Complex,
Pallavaram Cantonment,
Chennai - 600 043.

7 General Manager - Personnel
AIR India Limited,
Airlines House,
No.113, Gurudwara Rakabganj Road,
New Delhi - 110 001.

...

Respondents

Prayer in W.M.P.No.24202 of 2023:- Writ Miscellaneous Petition filed to condone the delay of 1445 days in filing the Review petition bearing Review Petition S.R. No 97334 of 2023.

Prayer in Review S.R. No 97334 of 2023:- Review application filed under Order XLVII Rule 1 r/w. Section 114 of C.P.C., praying to review the order dated 11.07.2019 in W.P.No.23266 of 2018 passed by this Court.



WEB COPY



W.P. No.4603 of 2016

For Petitioner : Mr.V.Ajay Khose for
Mr.D.Raghu

For Respondents :
R1 and R2 : Mr.K.Srinivasa Murthy
R3 to R7 : Mr.N.G.R.Prasad, Senior Panel Counsel
for Central Government

ORDER

This review application has been filed seeking to review the order dated 11.07.2019 in W.P.No.23266 of 2018 passed by this Court.

2. The case of the review petitioner is that the Air India Employees Progressive Union is a registered Trade Union under the Trade Union Act, 1925. The union is affiliated under the Labour Progressive Federation of Trade Union wing of Dravida Munnetra Kazhagam which is one of the Centrally recognized federations by the Ministry of Labour and Employment, New Delhi. The members of the union are working with the 3rd respondent from the year 1999 as Baggage Loaders, Cargo loading and unloading, motor vehicle drivers and office assistants. They raised the dispute under 2(k) of the ID Act before the concerned officer. The workers repeatedly requested the respondent/management to make them permanent, but they have not accepted the same and the conciliation proceedings ended in failure. The workmen have



W.P. No.4603 of 2016

filed ID No.53 of 2013 before the Central Government Industrial dispute cum Labour Court challenging the order dated 03.05.2013 which was dismissed by passed an award dated 03.02.2015. By challenging the award in W.P.no.4603 of 2016 were filed by the workers for regularization of work. In the meanwhile, the respondents 6 & 7 have issued a letter dated 23.08.2018 and 28.08.2018. Challenging the said order dated 23.08.2018 and 28.08.2018, the petitioner have filed writ petition Nos.23266 of 2018 before this Court and this Court passed orders on 11.07.2019. To review the said order, the present review petition has been filed.

3. Heard the learned counsel for the review petitioner and perused the materials available on record.

4. The power of review is very limited and the matter cannot be allowed to be reheard. The Court may allow review on three specified grounds viz.,

"(i) discovery of new and important matter or evidence, which after the exercise of due diligence, was not within the applicant's knowledge or could not be produced by him at the time when the decree was passed or order was made;



W.P. No.4603 of 2016

WEB COPY

(ii) *mistake or error apparent on the face of the record; and*

(iii) *for any other sufficient reason".*

5. The scope of review is always very limited. In this review application, the applicant has not made out a case that this Court has failed to look into or consider any materials that was produced before this Court or there is an error apparent on the face of the records, so as to invoke the jurisdiction under Order XLVII Rule 1 of Code of Civil Procedure.

6. This Court perused the copy of the order in W.P.no.23266 of 2018 dated 11.07.2019. On perusal of the same, this Court disposed the case in terms of the order passed in W.P.nos.17513 and 29796 of 2010 dated 28.03.2018 by this Court as issues and grounds raised in W.P.No.23266 of 2018 is similar one and also the petitioner has filed a review application with a delay of 4 years and hence, the miscellaneous petition is dismissed.

7. Since the grounds raised by the petitioner in this petition has already been considered and rejected by this Court, absolutely there is no reason to review the order dated 11.07.2019 in W.P.No.23266 of 2018 passed by this Court.



W.P. No.4603 of 2016

WEB COPY

8. In the result, this miscellaneous petition is dismissed and the review is also rejected at the SR stage itself. No costs.

29.08.2023

Rli

Index: Yes/No

NCS : Yes/No

To

- 1 The Secretary,
Government of India
Ministry of Civil Aviation,
New Delhi.
- 2 The Secretary
Government of India,
Ministry of Labour and Employment,
Sharam Sakthi Bhavan, Rafi Marg,
New Delhi - 110 001.
- 3 The Chief Executive Director,
AIR India Ltd.
AUC Building,
Contentment Pallavaram,
Chennai - 600 043
- 4 Chairman and Managing Director,
AIR India Ltd.
Hansalaya Building V Floor,
No.15, Barakambha Road,
New Delhi - 110 001.



W.P. No.4603 of 2016

WEB COPY

- 5 The Nodal Officer,
AIR India AIR Transport Services Limited,
(Wholly owned subsidiary of AIR India Ltd.)
AIR India Unity Complex,
Pallavaram Cantonment,
Chennai - 600 043.
- 6 General Manager - GH (Co-ord)
Southern Region,
Air India Airport Services
AIR India Unity Complex,
Pallavaram Cantonment,
Chennai - 600 043.
- 7 General Manager - Personnel
AIR India Limited,
Airlines House,
No.113, Gurudwara Rakabganj Road,
New Delhi - 110 001.



WEB COPY



W.P. No.4603 of 2016

M.DHANDAPANI, J.

Rli

**W.M.P.No.24202 of 2023 in
Rev.Aplw.SR.No.97334 of 2018
in W.P.no.23266 of 2018**

29.08.2023