



Review Application No.109 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2023

CORAM :

THE HON'BLE MR.JUSTICE S.S.SUNDAR

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

Review Application No.109 of 2019

1. The Management of
TVS Motor Company Limited
(Formerly known as TVS Suzuki Ltd)
Jayalakshmi Estates, 5th Floor
8, Haddows Road, Chennai 600 006
rep by its Chairman & Managing Director

2. M/s TVS Motor Company Limited
(Formerly known as TVS Suzuki Ltd)
Post Box No.4, Harita
Hosur 635 109
rep by its President

.. Review Applicants

v

1. The Presiding Officer
Labour Court, Salem

2. R.Maheswaran

.. Respondents

Memorandum of Grounds of Review Application filed under Order



Review Application No.109 of 2019

XLVII Rule 1 read with Section 114 of the Code of Civil Procedure, to review the judgment dated 07.08.2018 in W.A.No.1524 of 2013.

For Review Applicants :: Mr.Ananda Gopalan for
M/s T.S.Gopalan & Co

For Respondents :: Mr.K.M.Ramesh
Senior Counsel for
Mr.V.Subramani for R2
R1-Court

ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

The above review application is filed to review the judgment of this Court dated 07.08.2018 in Writ Appeal No.1524 of 2013.

2. The brief facts that are necessary for the disposal of the review application are as follows. When the second respondent was working with the review applicants in the plant at Hosur, he was transferred to the regional office at Bhopal and he joined duty on 20.4.98. For the sake of brevity, the review applicants and the second respondent will be hereinafter referred to as the 'Management' and the 'Workman' in this order. It is the case of the Management that the Workman made a bogus claim of



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Rs.15,510/- towards the transportation of his personal house holds from Hosur to Bhopal without transporting any luggage and therefore, a show cause notice dated 12.4.2000 was issued to the Workman for making a false claim and also for his refusal to carry out the work assigned by the Management. Based on the report submitted by the enquiry officer holding that the charges were proved, the Workman was dismissed from service. Challenging the order of dismissal, the Workman raised an industrial dispute before the Labour Court, Salem in I.D.No.639 of 2000. The Labour Court, on consideration of the documents and the evidence placed before it, holding that the charge of false claim made against the Workman was not proved, set aside the order of termination and directed the reinstatement of the Workman with continuity of service and other benefits, but without backwages, as the Workman had not obeyed the instructions of the higher officials. When Writ Petition No.14560 of 2003 was filed by the Management questioning the correctness of the award and Writ Petition No.23314 of 2006 was filed by the Workman questioning the denial of backwages, the learned single Judge, after hearing both sides, dismissed the



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writ petitions confirming the award passed by the Labour Court. Thereafter, Writ Appeal Nos.1524 of 2013 and 956 of 2015 were filed by the Management and the Workman and the Division Bench of this Court, while confirming the award passed by the Labour Court insofar as setting aside the order of dismissal from service is concerned on the ground that the same is harsh and disproportionate, modified the award insofar as reinstating the Workman with continuity of service without backwages is concerned, into one of withholding of two increments with cumulative effect for a period of two years, on the ground that the Labour Court failed to impose any punishment for the charge of disobedience. The present review application has been filed by the Management against the judgment dated 07.08.2018 passed in Writ Appeal No.1524 of 2013.

3. During the course of hearing, the learned Senior Counsel appearing for the Workman fairly conceded to the position that the writ appeals were disposed of despite a genuine request for adjournment sought by the counsel on the ground that the Management has engaged a senior advocate to appear



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in the matter and that the senior advocate was unable to be present at the time when the appeals were taken up at the fag end of the day. However, after the arguments were heard for sometime, both the learned counsel appearing for the Management and the Workman have agreed that the matter may be remitted to the Labour Court, Hosur, which is now having jurisdiction to try the industrial dispute, with a direction to the Labour Court, Hosur to dispose of the industrial dispute afresh, uninfluenced by any of the observations made by the Division Bench in Writ Appeal Nos.1524 of 2013 & 956 of 2015 and by the learned single Judge in Writ Petition Nos. 14560 of 2003 & 23314 of 2006.

4. In view of the consent given by the learned counsel appearing for the parties, the order passed by the Division Bench in Writ Appeal Nos.1524 of 2013 & 956 of 2015 and the order passed by the learned single Judge in Writ Petition Nos. 14560 of 2003 & 23314 of 2006 are set aside. By virtue of the same, this Court has impliedly set aside the award of the Labour Court, Salem in I.D.No.639 of 2000 dated 20.01.2003. The matter is now



Review Application No.109 of 2019

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remanded to the file of the Labour Court, Hosur for hearing of the dispute afresh. The Labour Court, Hosur shall renumber the I.D.No.639 of 2000 and shall dispose of the matter on merits after hearing both sides. Both the parties are at liberty to recall their witnesses and let in evidence to establish their case. In view of the said order of remand, the claim petition filed by the Workman in C.P.No.52 of 2019 before the Labour Court, Hosur shall stand closed. It is open to the Workman to file a fresh claim petition depending upon the outcome of the re-numbered industrial dispute (I.D.No.639 of 2000) before the Labour Court, Hosur. Parties shall appear before the Labour Court, Hosur on 10.07.2023. With this observation, the review application stands disposed of. No order as to costs.

Index : yes/no

(S.S.S.R.,J.) (C.K.,J.)

Neutral citation : yes/no

20.06.2023

Note: Registry is directed to transmit all the records pertaining to I.D.No.639 of 2000 to the Labour Court, Hosur forthwith

SS



Review Application No.109 of 2019

To

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1. The Presiding Officer
Labour Court, Salem
2. The Presiding Officer
Labour Court, Hosur



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Review Application No.109 of 2019

S.S.SUNDAR, J.

AND

C.KUMARAPPAN, J.

SS

Review Application No.109 of 2019

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