



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.09.2023**

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**REV.APLC(MD)NO.70 OF 2023
in
C.M.P(MD)No.3466 of 2021
in
W.A(MD)SR.No.18156 of 2021
and
C.M.P(MD)No.12161 of 2023**

The Forest Ranger,
Forest Range Officer,
Usilampatti Range,
Elumalai Section,
Kadavaipatti,
Madurai District.

: Review Applicant/Petitioner/
Appellant

.VS.

1.Malaichaimy
Son of Mayandi Thevar,
Madurai Motor Transport and General
Workers Union,
146, Puttu Thope Road,
RM Complex,
Madurai -16.

2.The Labour Court,
Madurai.

: Respondents/Respondents/
Respondents

PRAYER: Review Application filed under Order 47 Rule 1 and 2 r/w
Section 114 of Civil Procedure Code to review the order passed in
C.M.P(MD)No.3466 of 2021 in W.A(MD)SR.No.18156 of 2021, dated



08.04.2021.

WEB COPY

For Petitioner

:Mr.Veera Kathiravan
Addl.Advocate General
assisted by
Mr.J.K.Jeyaseelan,
Government Advocate

For Respondent-1

:Mr.M.Pounraj

O R D E R

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

This Review Application is filed to review the order passed by this Court, dated 08.04.2021 in C.M.P(MD)No.3466 of 2021 in W.A(MD)SR.No.18156 of 2021.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The brief facts that are necessary for the disposal of this Review Application are as follows:

The Petitioner has filed a Writ Petition challenging the order of the Labour Court in I.D.O.P.NO.60 of 2004, dated 26.08.2008. It is to be noted that the said Writ Petition was filed nearly after seven



WEB COPY

years after the order of the Labour Court in I.D.OP.No.60 of 2004, dated 26.08.2009. It is to be noted that the Writ Petition itself was dismissed, mainly on the ground of delay and laches. Thereafter, the Writ Petitioner filed a Writ Appeal with a delay of 809 days in filing the Writ Appeal. The interlocutory application to condone the delay was dismissed on the ground that there is no explanation for the inordinate delay in the affidavit filed in support of the condone delay Petition. Taking note of the fact that the Writ Petition was filed 7 years after the order of the Labour Court, this Court dismissed the Petition to condone the delay, observing that at every stage, there is delay and laches on the part of the Petitioner/Department and that there is no ground to condone the delay in filing the Writ Appeal. This order is sought to be reviewed mainly on the ground that the order impugned in the Writ Petition is un-sustainable and that the Writ Court as well as the Division Bench of this Court had not taken note of the case, on merits.

4.The learned Additional Advocate General appearing for the Review Applicant submitted that the Review Applicant should be given an opportunity to prosecute the Writ Appeal on merits, in view of involvement of larger public interest.



WEB COPY

5.This Court is unable to find any larger public interest and on the admitted facts, the Writ Petition is confined to a single workman. The reasons recorded in the order, dated 08.04.2021 are legitimate and we find no scope for taking a different view on the admitted facts. This Court repeatedly held that the review cannot be treated as an appeal and unless there is an error apparent on the face of records, there is no scope for review.

6.Considering the scope of the review, this Court find no reason to entertain this Review Application. Accordingly, the Review Application stands dismissed. No costs.

7.Despite the Labour Court had passed the order in the year 2008 itself, the same has not yet been implemented. Still, the grievance of the first respondent/workman is that he did not get the benefit, cannot be disregarded. It is now stated by the learned Additional Advocate General appearing for the Review Applicant that certain amounts were paid to the first respondent pursuant to the Labour Court award. It is admitted that still the Claim Petition is pending, for major period. Therefore, the Review Applicant is directed to disburse the monetary benefits and any other amount



WEB COPY

which is eligible and payable to the first respondent/workman, calculated as per the award of the Labour Court, within a period of 12 weeks from the date of receipt of a copy of this order. Consequently connected Miscellaneous Petition is closed.

[S.S.S.R.,J.] [D.B.C,J.]
20.09.2023

Index:Yes/No
Internet:Yes/No
NCC:Yes/No

vsn

To

The Presiding Officer,
Labour Court,
Madurai.



WEB COPY



S.S.SUNDAR, J.

AND

D.BHARATHA CHAKRAVARTHY, J.

vsn

ORDER MADE IN

REV.APLC(MD)NO.70 OF 2023

in

C.M.P(MD)No.3466 of 2021

in

W.A(MD)SR.No.18156 of 2021

and

C.M.P(MD)No.12161 of 2023

20.09.2023