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Rev.Aplw.No.55 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

Rev.Aplw.No.55 of 2024

T.Gunasekaran

...Petitioner

Vs.

1. The Special Deputy Commissioner of Labour,
DMS Compound,
Anna Salai, Chennai – 600 006.

2. The Management of Tamil Nadu,
State Transport Corporation (Salem) Ltd.,
Rep. by its General Manager,
No.12, Ramakrishna Road, Salem – 636 007.

...Respondents

Prayer in Rev.Aplw.No.55 of 2024: Review Application filed under Order 47 Rule 1 of C.P.C. r/w Section 114 of C.P.C. to review the judgment and order made in W.P.No.18633 of 2017 dated 09.08.2023.

For Petitioner : Mr.S.Ayyathurai

ORDER

The review Petitioner has come up with this Review application seeking to review the order of this Court dated 09.08.2023 made in W.P.No.18633 of 2017.



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2. Learned counsel for the review petitioner submitted that, though this Court in order dated 09.08.2023 had specifically stated that *It is made clear that, whatever the amount paid by way of 17B petition, shall be deducted from the 25% backwages payable to the workman*, however, it is pertinent to note that, the petitioner was not paid 17-B wages, which was also not denied by the management itself. When the petitioner is entitled for 17-B wages, not issuing necessary direction to the management for payment of 17-B wages from the date of order of the 2nd respondent dated 02.06.2016 till the date of reinstatement is not sustainable. Further, eventhough no evidence was submitted by the management to prove that the petitioner was gainfully employed during the non-employment period, ordering for only 25% backwages is not sustainable. Accordingly, he prayed for appropriate orders by filing the review petition.

3. Though the Petitioner has come up with this Review application to review the order of this Court dated 09.08.2023 made in W.P.No.18633 of 2017, however, review application can be entertained only on the ground of error apparent on the face of records or clerical error. In the present case on hand, there being no error apparent on the face of records or clerical error, this



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Court is of the view that, the prayer sought for by the Petitioner in the present review application cannot be acceded to.

4. Accordingly, this Review Application stands dismissed. No costs.

24.04.2024

skt

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To:

The Special Deputy Commissioner of Labour,
DMS Compound,
Anna Salai, Chennai – 600 006



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M.DHANDAPANI., J.

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