



Rev.Appln.No.85 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.07.2024

CORAM:

THE HON'BLE MRS. JUSTICE N.MALA

**Review Application No.85 of 2024
and WMP.No.14186 of 2024
against W.P.No.6343 of 2022**

S.Madhavan

... Review Petitioner

VS.

THG Publishing Pvt. Ltd.,
859 & 860,
Anna Salai,
Chennai – 2.

... Respondent

Prayer: Review Application filed under Order 47 Rule 1 of C.P.C., to review the order dated 15.04.2024 passed in W.P.No.6343 of 2022 and order for the reinstatement of petitioner with backwages and attendant benefits. This Hon'ble Court may please also direct the respondent to pay the petitioner the office pension and other benefits extended to retired employees after his superannuation on 31.07.2024.

For Review Petitioner : Mr.S.Madhavan (Party in person)

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J U D G M E N T

The Review Application is filed to review the order dated 15.04.2024 passed in W.P.No.6343 of 2022 and order for the reinstatement of petitioner



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with backwages and attendant benefits. This Hon'ble Court may also direct the respondent to pay the petitioner the office pension and other benefits extended to retired employees after his superannuation on 31.07.2024.

2.The review application is filed against the order dated 15.04.2024 passed by this Court in W.P.No.6343 of 2022. In this review application, the petitioner referring to the grounds of review submitted that this Court omitted to refer to the orders of the High Court of Madhya Pradesh while referring to the order of High Court of Gujarat. I have elaborately discussed all the issues raised by the petitioner and the respondent in W.P.No.6343 of 2022 and I have given my reasons for disposing of the writ petition, by confirming the order of the Labour Court and also gave liberty to the petitioner under Section 10(2) (a) of the Act to raise a dispute.

3.This Court as well as the Hon'ble Supreme Court have outlined the contours of the review jurisdiction. The Division Bench of this Court in the case of R.Mohala Vs. M.Siva and others in Review Petition No.61 of 2018 and WMP.No.10818 and 10819 of 2018 decided on 25.04.2015, elaborately discussed the scope of review and at in paragraph No.7 held as follows:



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“7. The basic principle to entertain the review under Order 47 Rule 1 C.P.C. is to correct the errors but not to substitute a view. The judgment under review cannot be reversed (or) altered taking away the rights declared and conferred by the Court under the said judgment; once a judgment is rendered, the Court becomes functus officio and it cannot set aside its judgment or the decree; no inherent powers of review were conferred on the Court; the review Court cannot look into the trial Court judgment; it can look into its own judgment for limited purpose to correct any error or mistake in the judgment pointed out by the review petitioner without altering or substituting its view in the judgment under review; the review court cannot entertain the arguments touching the merits and demerits of the case and cannot take a different view disturbing the finality of the judgment; the review cannot be treated as appeal in disguise, as the object behind review is ultimately to see that there should not be miscarriage of justice and shall do justice for the



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sake of justice only and review on the ground that the judgment is erroneous cannot be sustained. 8. It is settled law that even an erroneous decision cannot be a ground for the Court to undertake review, as the first and foremost requirement of entertaining a review petition is that the order under review of which is sought, suffers from any error apparent on the face of the order and in absence of any such error, finality attached to the judgment/order cannot be disturbed.”

4. In my view as rightly held by this Court in the aforesaid case review jurisdiction cannot be invoked to substitute a view but can be invoked only to correct the errors apparent on the face of the record. I find absolutely no error apparent on the face of the record. Even the petitioner has not been able to point out the apparent error in the order of this Court except that the Judgment of the High Court of Madhya Pradesh ought to have been preferred instead of Gujarat High Court Judgment. On going through the grounds of review filed by the petitioner, I find that the grounds relates to the merits of the case. I therefore find no merits in the review application and



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the same is dismissed.

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5.In any event, the petitioner is at liberty to file a writ appeal against the order dated 15.04.2024 passed by this Court in W.P.No.6343 of 2022, if he is so aggrieved. In case, the petitioner files the writ appeal within one month from the date of receipt of a copy of this order, the period spent in prosecuting the review application will be excluded. Accordingly, the review application is dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition stands closed.

25.07.2024

Index: Yes / No
Internet:: Yes / No
ah

To

THG Publishing Pvt. Ltd.,
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Chennai – 2.

N.MALA, J.



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