



Rev.Appln.Nos.212 to 218 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2024

CORAM

**THE HONOURABLE MRS. JUSTICE J. NISHA BANU
&
THE HONOURABLE MR.JUSTICE P.DHANABAL**

Review Application Nos.212 to 218 of 2024

Rev.Appln.No.212 of 2024

The Management of
Hivelm Industries,
A5 & 6 Industrial Estate,
Guindy, Chennai 600 032

.. Review Applicant

Vs

1. The Presiding Officer,
1st Additional Labour Court,
Chennai.
2. Thiru S.Rajasekar
Plot No.31, Door No.12,
5th Street, Saraswathy Nagar,
Adambakkam, Chennai 600 088.

... Respondents

Prayer in Rev.Appln.No.212 of 2024: Review Application filed under Order 47, Rule 1 r/w.Section 114 of Civil Procedure Code, 1908 praying to review the order dated 22.04.2024 passed in CMP.No.8445 of 2024 in WA.SR.No.37113 of 2024.



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For Appellants in all Reviews : Mr. Krishna Srinivas, Senior counsel
for Mr. M.R. Dharanichander
For Respondents in all Appeals: R1 - Court
Mr.V.Subramani - R2

COMMON JUDGMENT

(Order of the Court was made by J.NISHA BANU, J.)

These Review Applications are preferred by the appellant/Management seeking to review the order dated 22.04.2024 passed in CMP.Nos.8445, 8151, 8446, 8401, 8250, 8442 and 8148 of 2024 in WA.SR.Nos.37113, 37084, 37064, 40668, 99348, 37143, 37085 of 2024.

2. On 22.04.2024, this Court dismissed the condone delay petitions filed by the Review Applicant/Management in CMP.Nos.8445, 8151, 8446, 8401, 8250, 8442 and 8148 of 2024 and thereby rejected the writ appeals filed by the Management in WA.SR.Nos.37113, 37084, 37064, 40668, 99348, 37143, 37085 of 2024 at the SR stage itself. The above Writ Appeals were filed by the Management challenging the common order passed in batch of writ petitions in W.P.Nos.12903 of 2002 and 14710 to 14715 and 26881 to 26892



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of 2005 by the learned Single Judge dated 07.09.2023.

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3. Subsequently, regarding the similar issue, again a batch of ten writ appeals were filed by the Management challenging the abovesaid common order dated 07.09.2023 along with condone delay petitions since the appeals were filed with a delay of 160 and odd days.

4. This Court, by order dated 30.04.2024, allowed the condone delay petitions and directed the Registry to number those writ petitions along with connected W.A.No.1192 of 2024. All the writ appeals were numbered as W.A.Nos.1574, 1577, 1579, 1581, 1582, 1584, 1585, 1586, 1587, 1588 of 2024 and posted before this Court on 03.07.2024.

5. On 03.07.2024, this Court considering the submissions made by the learned counsel for the applicant/Management based on the judgments relied on by the Honourable Supreme Court and this Court in the cases of (i) ***AIR 1993 SC 1182 (Tahil Ram Issardas Sadarangani and other Vs. Ramchand***



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Issardas Sadarangani and others);(ii) AIR 1998 SC 258 (Malkiat Singh and others Vs. Joginder Singh and others);(iii) AIR 2000 Mad 190 (Vasu Thevar and others Vs. Rukmani Ammal and others), remanded back all the Writ Appeals to the learned Single Judge for fresh consideration on the ground that the learned Single Judge has erroneously dismissed the writ petitions filed by the management based on the 'no instructions' report given by the petitioner counsel without going into merits of the case and the impugned order has been passed without issuing notice to the petitioner for his appearance before the Court.

6. The learned Senior counsel appearing for the Review Applicant submitted that the learned Single Judge's Common order dated 07.09.2023 was already set aside by this Court in 11 similar batch of Writ Appeals viz., W.A.Nos.1574, 1577, 1579, 1581, 1582, 1584, 1585, 1586, 1587, 1588 and 1192 of 2024 on merits by an order dated 03.07.2024 by remanding the same to learned Single Judge to decide the same afresh on merits. He further submitted that the Writ Appeals in W.A.SR.Nos.37113, 37084, 37064, 40668,



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99348, 37143, 37085 of 2024. involving the similar issue which were filed against the common impugned order dated 07.09.2023 may also be remanded back to the learned Single Judge for fresh consideration. Therefore, it is necessary for this Court to review the order dated 22.04.2024 dismissing the condone delay petition in CMP.Nos.8445, 8151, 8446, 8401, 8250, 8442 and 8148 of 2024 thereby rejecting the Writ Appeals in SR stage itself in WA.SR.Nos. 37113, 37084, 37064, 40668, 99348, 37143, 37085 of 2024 Stating so, he prayed for passing appropriate orders.

7. Heard the submissions of learned counsel appearing for the Review Applicant/Management and learned counsel appearing for the 2nd respondent/employee.

8. This Court has already condoned the delay of 160 and odd days in filing the writ appeals against the common impugned order dated 09.07.2023, subsequent thereupon, the writ appeals were numbered posted before the court for admission and on 03.07.2024, the same were remanded back to the learned Single Judge for fresh consideration. It is seen that writ appeals relating to the



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present Review Applications are also involving similar issue as that of WA.Nos.1574, 1577, 1579, 1581, 1582, 1584, 1585, 1586, 1587, 1588 and 1192 of 2024 and they came to be rejected at the SR stage itself while dismissing the condone delay petitions in CMP.Nos.8151 of 2024 on 22.04.2024. Since the issues involved in Writ Appeals relating to the present review applications and writ appeals in WA.Nos.1574, 1577, 1579, 1581, 1582, 1584, 1585, 1586, 1587, 1588 and 1192 of 2024 are similar in nature and all of them were filed against the common order dated 09.07.2023, this Court recalls the order dated 22.04.2024 passed in CMP.Nos.8445, 8151, 8446, 8401, 8250, 8442 and 8148 of 2024 in WA.SR.Nos. 37113, 37084, 37064, 40668, 99348, 37143, 37085 of 2024

9. Considering the submissions of the learned counsel for the Review Applicant/Management, this Court condones the delay of 160 and odd days in filing the Writ Appeals in CMP.Nos.8445, 8151, 8446, 8401, 8250, 8442 and 8148 of 2024. In view of the above, all the above petitions are ordered and consequently, the Writ Appeals in WA.SR.Nos. 37113, 37084, 37064, 40668, 99348, 37143, 37085 of 2024 are directed to be numbered.



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10. In the result,

- a. All the Review Applications are allowed. No costs.
- b. CMP.Nos.8445, 8151, 8446, 8401, 8250, 8442 and 8148 of 2024 are ordered.
- c. The Registry is directed to number all the Writ Appeals and post the same for admission on 02.08.2024.

[J.N.B.,J.] [P.D.B.,J.]
01.08.2024

Index: yes/no
Internet:yes/no
msr

J. NISHA BANU, J.
&
P. DHANABAL, J.

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