



Rev.Appln.No.255 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Rev.Appln.No.255 of 2022 in
W.P.No.34852 of 2016

The Management,
The Tiruvateeswarar Hindu
Janopakara Nidhi Ltd.,
Rep by Administrative Director,
Old No.36, New No.50,
Kuppumuthu Street, Triplicane,
Chennai 600 005.

... Petitioner

Vs.

1.The Authority under
Payment of Gratuity Act /
The Assistant Commissioner of Labour,
O/o. The Deputy Commissioner of Labour - 1,
Chennai - 6.

2.S.Ravichandran

... Respondents

Prayer : Review Petition filed under Order 47 Rule 1 read with Section 114 C.P.C., to review the order passed in W.P.No.34852 of 2016 dated 15.06.2022 on the file of this Court.



WEB COPY



Rev.Appln.No.255 of 2022

For Petitioner : Mr.M.S.Palaniswamy
For Respondents : Mr.V.Umakanth, GA for R1
Mr.S.Sureshkumar for R2

ORDER

This Review Petition has been filed to review the order passed in W.P.No.34852 of 2016 dated 15.06.2022.

2. Heard Mr.M.S.Palaniswamy, learned counsel for the petitioner, Mr.V.Umakanth, learned Government Advocate for R1 and Mr.S.Sureshkumar, learned counsel for R2 and perused the materials available on record.

3. The Writ Petition has been filed to call for the records of the order of the first respondent in P.G.No.148 of 2014 dated 04.02.2015 and consequential order in P.G.I.A.No.146 of 2015 dated 30.06.2016 and quash the same. The said Writ Petition has been dismissed on 15.06.2022.

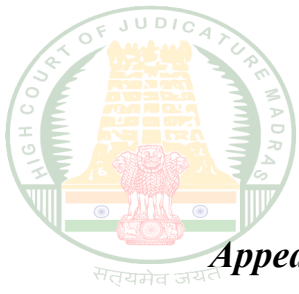


Rev.Appln.No.255 of 2022

WEB COPY

4. The learned counsel for the review petitioner submitted that the Court has addressed only the issue raised in P.G.I.A.No.146 of 2015 dated 30.06.2016 by leaving aside the order passed in P.G.No.148 of 2014 dated 04.02.2015. P.G.I.A.No.146 of 2015 has been filed by the petitioner to set aside the *exparte* order passed in P.G.No.148 of 2014 along with a petition to condone the delay of 72 days. The said P.G.I.A.No.146 of 2015 has been refused to be entertained as it has been barred by limitation.

5. This Court has observed in its order dated 15.06.2022 that the High Court in its exercise of power under Article 226 of the Constitution of India should not entertain the Writ Petition in respect of the matters for which the statutory remedy is available, but has barred by limitation. As such, it is not possible to extend any equitable relief contrary to law by placing reliance on the judgment of the Hon'ble Supreme Court in the case of *Assistant Commissioner (CT) LTU, Kakinada Vs. Glaxo Smith Kline Consumer Health Care Limited (Order dated 06.05.2020 in Civil*



Rev.Appln.No.255 of 2022

Appeal No.2413 of 2020). On that ground, the Writ Petition has been dismissed.

6. The learned counsel for the review petitioner tried to make a distinction between the appreciation of order passed in P.G.I.A.No.146 of 2015 and order passed in P.G.No.148 of 2014. So far as the order passed in P.G.No.148 of 2014 is concerned, the petitioner can invoke the appeal remedy as provided under the statute. As there was a delay in filing an application to set aside the *exparte* order, he had filed an interim application to condone the delay and that was refused to be accepted.

7. When this Court has taken a stand not to interfere with the application filed with a petition to condone the delay, it goes without saying that the petitioner cannot address the order passed in P.G.No.148 of 2014. In other words, what the petitioner cannot directly address before the appellate authority by way of preferring an appeal within the statutory limit cannot be addressed before the High Court by invoking the jurisdiction of this Court under Article 226 of the Constitution of



Rev.Appln.No.255 of 2022

India. The order passed by this Court on 15.06.2022 by relying on the judgment of the Hon'ble Supreme Court held in the case of *Assistant Commissioner (CT) LTU, Kakinada Vs. Glaxo Smith Kline Consumer Health Care Limited (Order dated 06.05.2020 in Civil Appeal No.2413 of 2020)* is applied to the matter in issue in a comprehensive manner and hence, there cannot be any deviation between the order passed in P.G.No.148 of 2014 and the order passed in P.G.I.A.No.146 of 2015 now claimed by the petitioner. Hence, I do not find any grounds to entertain this Review Petition.

8. In the result, this Review Petition is dismissed. No costs.

Index : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

04.04.2025

To
The Authority under
Payments of Gratuity Act /
The Assistant Commissioner of Labour,
O/o. The Deputy Commissioner of Labour - 1,
Chennai - 6.



WEB COPY



Rev.Appln.No.255 of 2022

R.N.MANJULA, J.

gsk

Rev.Appln.No.255 of 2022 in
W.P.No.34852 of 2016

04.04.2025