



Rev.Aplw No.214 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

Rev.Aplw No.214 of 2024

and

W.M.P.No.38523 of 2024

M/s.MRF Ltd. (Thiruvotriyur Unit),
rep. by its General Manager,
Chennai – 19.

... Petitioner

Vs.

1.K.Ezhumalai

2.The Presiding Officer,
First Additional Labour Court,
Chennai.

... Respondents

Prayer: Review Application filed under Order 47 Rule 1 r/w Section 114 of C.P.C. to review the order dated 04.08.2023 passed by this Court in W.P.No.42725 of 2016.

For Petitioner : Mr.Anand Gopalan
for Agam Legal Advocates

For Respondents : Mr.V.Prakash
Senior Counsel
for M/s.K.Sudalaikannu [R1]
Labour Court [R2]

ORDER



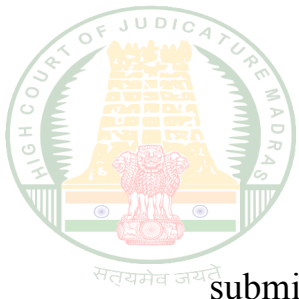
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This Review Application has been filed seeking to review the final order dated 04.08.2023 passed by this Court in W.P.No.42725 of 2016.

2. Review petitioner had filed a Writ Petition in W.P.No.42725 of 2016, seeking to quash the award dated 11.09.2015 in I.D.No.151 of 2010 passed by the 2nd respondent/Labour Court and this Court, vide order dated 04.08.2023 allowed the said writ petition, directing the petitioner to appoint the 1st respondent as probationer in terms of settlement dated 07.06.1996 within a period of two weeks from the date of receipt of a copy of the order and upon successful completion of the probation period, the petitioner shall consider regularisation of the 1st respondent in the services of the petitioner management. Aggrieved by the same, the petitioner has preferred a writ appeal before this Court in W.A.No.1567 of 2024 and the Division Bench of this Court, passed a judgment dated 03.06.2024, granting permission to the petitioner to file a review application. Hence, the petitioner has come up with this Review application.

3. Learned counsel appearing for the review petitioner



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submitted that the present review application is filed solely on the ground that the 1st respondent received 17B wages from the petitioner stating that he has not gainfully employed anywhere during the non-employment period. However, his gainful employment was subsequently came to the knowledge of the petitioner and the same was established. Hence, he submitted that, if the 1st respondent returns the amount received from the petitioner by way of 17B wages, the petitioner is ready to appoint him as probationer in terms of settlement dated 07.06.1996.

4. Learned Senior Counsel Pleader appearing for the 1st respondent submitted that, inadvertently, the 1st respondent did not disclose with regard to his alternate employment during the non-employment period and he has accepted the alternative employment during the termination period and he is ready to repay the amount, which was received by way of 17B wages to the tune of Rs.4,04,423/- from the review petitioner.

5. In view of the above, this Court is inclined to dispose of this review application in the following terms :-



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(i) the 1st respondent is directed to repay a sum of Rs.4,04,423/- (Rupees Four Lakhs Four Thousand Four Hundred and Twenty Three only) to the review petitioner;

(ii) Upon receipt of the said amount, the petitioner is directed to appoint the 1st respondent as probationer in terms of settlement dated 07.06.1996 within a period of two weeks from the date of receipt of the said amount from the 1st respondent;

(iii) upon successful completion of the probation period, the petitioner shall consider regularisation of the 1st respondent in the services of the review petitioner/management.

6. Accordingly, the review application is disposed of. No costs.

Consequently, the connected writ miscellaneous petition is closed.

23.01.2025

Index : Yes / No

Speaking order / Nonspeaking order

Neutral Citation Case : Yes / No

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To

The Presiding Officer,
First Additional Labour Court,



Chennai.

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M.DHANDAPANI, J.

sp

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