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REV. APLW.(MD) No.116 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2025

CORAM:

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

REV. APLW.(MD) No.116 of 2024

P.Murugesan

... Petitioner

VS.

1.The Presiding Officer,
Labour Court, Thiruchirapalli.

2.The President,
National Horticultural Research and
Development Foundation (NHRDF),
Nasik-422201 through Suresh Digade,
Deputy Director, NHRDF,
Presently having Office at 5/5B1B,
Shakthi Vinayakar Nagar,
Vellalore, Coimbatore – 641 111.

Again the 2nd respondent Nasik Office was shifted and
presently functioning at

The President,
National Horticultural Research and
Development Foundation,
47, Pankha Road, Institutional Area,
Janakipuri, New Delhi-110 058.

... Respondents



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Review Application is filed under Article 226 of Constitution of India read with Section 114 and Order 47 Rule 1 of C.P.C. to review as against the order made in Writ Petition(MD) No.15993 of 2015, dated 04.04.2022, by this Court.

For Petitioner : Mr.P.Murugesan
Party-in-Person

R1 : Labour Court

For R2 : Mr.V.O.S.Kalaiselvan

ORDER

The present review is filed against the order, dated 04.04.2022, passed in W.P. (MD)No.15993 of 2015.

2. The writ petition was filed for issuance of a Writ of Certiorarified Mandamus, to quash the order passed by the 1st respondent in I.A.No.4 of 2015, in I.D.No.100 of 2010, dated 28.07.2015 and to direct the 1st respondent to pass fresh order in the said I.A.No.4 of 2015 in I.D.No.100 of 2010, on merits and based on the materials available in the Labour Court record.



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3. While hearing the aforesaid case, this Court directed the review applicant to appear before the respondent and join the service. The review applicant had attempted to join the service but due to certain reasons failed to join. This Court declined to accept the said reasons and dismissed the writ petition. Against the said order the present review application is filed.

4. The contention of the review applicant is that the 2nd respondent directed the review applicant to appear before the office at Varanasi but after reaching Varanasi, it came to the knowledge of the review applicant that the Varanasi office was closed in the year 2012-2013 itself. Thereafter, the review applicant contacted one Mr.M.M.Dwivedi, the Assistant Director (Hort.), Deoria, who had directed the review applicant to appear in the office situated at Deoria. Therefore, the review applicant took bus and reached the Deoria. After reaching Deoria, again the review applicant called the concerned person. It was stated that the concerned person is on leave for five days including Saturday and Sunday and he has reached the railway station to proceed on leave. Therefore, the review applicant could not join the service at Deoria. Hence, the claim of the review applicant is that the respondent



misdirected the review applicant.
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5. The learned Counsel for the 2nd respondent submitted that he was not aware of closure of office at Varasani. Further, he submitted that the review applicant had produced the railway tickets but the same were not coinciding with the PNR number to the Varanasi destination. Therefore, the claim of the review applicant that he visited Varanasi and thereafter, he visited Deoria is incorrect and false.

6. After considering the rival submissions, this court is of the considered opinion that the 2nd respondent ought to have informed the Court about the closure of office at Varanasi. Further, the 2nd respondent ought to have granted travelling allowance which the review applicant is entitled to on transfer. Even though the 2nd respondent had paid Rs.2,000/- for train tickets, the review applicant is entitled to one month salary as travelling allowance so that the review applicant can stay in the transferred place and meet the expenses for his food and shelter. Admittedly, the 2nd respondent had not paid the one-month salary as travelling allowance except for train tickets for Rs.2,000/-. Therefore, the contention of the review applicant that he could



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not stay back at Deoria is convincing.
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7. At the same time, this Court is also of the considered opinion that the review applicant being an employee, ought to have approached the office at Deoria and ought to have obtained travelling allowance. The review applicant returned from Deoria to Tamilnadu on the very same day without waiting for further instructions / directions from the 2nd respondent. Therefore, the review applicant's plea to pay four-month salary cannot be accepted.

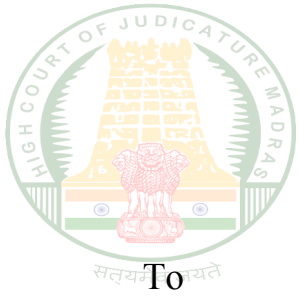
8. However, the review applicant is entitled to one month salary as travelling allowance and the same shall be paid by the 2nd respondent within a period of eight weeks from the date of receipt of a copy of this order.

9. Therefore, the writ order is modified as stated supra and the review application is partly allowed. No costs.

20.03.2025

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To

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Labour Court, Thiruchirapalli.

2.The President,
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S.SRIMATHY, J.

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