



2026:AHC:32694-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL MISC REVIEW APPLICATION DEFECTIVE No. - 49 of 2026

Shri Kripa Shankar Bajpai

.....Applicant(s)

Versus

M/s Jagran Prakashan Limited and another

.....Opposite
Party(s)

Counsel for Applicant(s) : Gulab Chandra Tiwari, Uday Shankar
Tiwari

Counsel for Opposite Party(s) : Hari Narayan Singh

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.

1. This review petition is directed against order dated 04.12.2025 passed by this Court in Special Appeal Defective No. 987 of 2025, where by the appeal was dismissed as not maintainable.
2. The applicant had challenged the grant of interim order by learned Single Judge in Writ - C No. 11429 of 2025 arising from an order passed by the Presiding Officer, Labour Court, Varanasi in Misc. Case No. 2 of 2013 under Section 33C(2) of the Industrial Disputes Act, 1947 ('Act').
3. This Court, after hearing the parties, came to the conclusion that in view of the provisions of Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952 ('Rules') and Larger Bench judgment in **Sheet Gupta Vs. State of U.P. and others : 2010 (1) ADJ 1 (FB)** and **Vajara Yojana Seed Farm, Kalyanpur Vs. Presiding Officer, Labour Court II, U.P. Kanpur and another : (2003) 1 UPLBEC 496**, the appeal is not maintainable and consequently, dismissed the same as not maintainable.
4. Counsel for the applicant attempted to make submissions that award passed by the Tribunal and an order passed under Section 33C(2) of the Act stand on a different footing and the same cannot be compared and therefore, in a case where the order is passed by learned Single Judge under Article 226 or Article 227 of the Constitution of India in matter arising from Section 33C(2) of the Act, the appeal would be maintainable.

5. The said submission is based on misreading of the Larger Bench judgment as well as the provisions of Chapter VIII Rule 5 of the Rules, wherein it has been specifically laid down that special appeal against the order made by one Judge in exercise of jurisdiction conferred by Article 226 or Article 227 of the Constitution of India in respect of any judgment, order or award by the Tribunal, Court or Statutory Arbitrator, shall not be maintainable. The order passed under Section 33C(2) of the Act would also fall within the said prohibition.

6. Consequently, there is no substance in the review petition, the same is, therefore, **dismissed**.

(Kshitij Shailendra,J.) (Arun Bhansali,CJ.)

February 13, 2026
Jyotsana/Mukesh Pal