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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 509/2010

HINDUSTAN TIMES LTD.

..... Appellant

Through: Mr.Raman Kapur, Sr.Adv. with
Ms.Seema Sundd and Ms.Shweta,
Advocates

versus

ARUN KUMAR & ORS.

..... Respondents

Through: Mr.R.V.Sinha and Mr.A.S.Singh,
Advocates

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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04.11.2016

C.M.24798/2016 (for delay)

For the reasons mentioned in the application, the delay in filing the review petition is condoned.

Review Pet.310/2016 & C.M.22678/2016

This petition urges the court to review the judgment disposing of LPA 509/2010 on 27.04.2016. Learned counsel points out that there is an factual error with respect to the lump sum amount mentioned in para 24 of the judgment. He submits that the reference to the Single Judge recording the extent of back wages at ₹33 lacs – according to the management is incorrect and relies upon the text of the order in that regard.

The court notices that whilst undoubtedly an error – nevertheless it has no impact on the final order to be made which is

contained in elaborated direction of para 25. In this regard, specifically, the court has not made any mention as to the total amount payable towards back wages. In case of any dispute, the concerned authority under law would be at liberty to proceed to determine the correct quantum of back wages for the period. The other error pointed out is with respect to reference to the date of superannuation. It is stated that the workman had superannuated on 19.12.2009 and in the circumstances, the direction to pay back wages after that date till the date of judgment is not warranted. Here, technically, the appellant may be correct but at the same time the court only is confined to the relief to the workman's legal representatives to a final amount of ₹5 lacs or 50% of the back wages, whichever was less.

In the circumstances, no facial error that warrants view has been disclosed. The review petition is therefore dismissed.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

NOVEMBER 04, 2016

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