

HIGH COURT OF CHHATTISGARH, BILASPUR**REVP NO. 162 OF 2018**

1. Om Prakash Agrawal, S/o Late Ramjee Lal Agrawal, aged about 63 years, R/o Ward No. 8, Kharora, Police Station & Tahsil Kharora, District Raipur (C.G.)

---- **Petitioner**

Versus

1. Smt. Uma Verma, Wd/o Late Rameshwar Verma, aged about 44 years, Caste – Kurmi, R/o Village Mohranga, Post Kharora, Police Station Kharora, Tahsil Tilda, Raipur, Chhattisgarh
2. Ku. Pratibha Verma, D/o Late Rameshwar Verma, aged about 18 years, Caste – Kurmi, R/o Village Mohranga, Post Kharora, Police Station Kharora, Tahsil Tilda, Raipur, Chhattisgarh
3. Ku. Divya Verma, D/o Late Rameshwar Verma, aged about 16 years, Caste – Kurmi, R/o Village Mohranga, Post Kharora, Police Station Kharora, Tahsil Tilda, Raipur, Chhattisgarh
4. Smt. Baaharin, Wd/o Late Baluram Verma, aged about 70 years, Caste – Kurmi, Minor / Appellant No. 3, through next friend, natural guardian Smt. Uma Verma (now appellant No. 3 became major), R/o Village Mohranga, Post Kharora, Police Station Kharora, Tahsil Tilda, Raipur, Chhattisgarh

... **Respondent(s)**

For Petitioner : Shri K.P.S. Gandhi, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03.01.2019

1. The present review petition has been filed seeking review of the order dated 01.02.2018 passed in Miscellaneous Appeal No. 205 of 2018. The only portion of the order against which this review petition has been filed is the observation made by this Court in paragraph No. 8 which reads as under :-

“8. Remaining part of the judgment shall remain intact as has been awarded by the Court below.”

2. What has to be understood is that the said miscellaneous appeal was filed by the claimants being aggrieved by the order of the Labour

Court whereby the penalty was not awarded. This Court while entertaining the appeal at admission stage remitted the matter back to the Labour Court for deciding the issue so far as the penalty part is concerned. However, while disposing off the appeal this Court had observed that the remaining part of the award shall remain intact. The intention of this Court was that since the matter was being remitted back, the Labour Court should not reopen the entire case but should only hear and decide the issue with regard to penalty. The said observation was never meant that this Court has scrutinized the remaining part of the award and held it to be proper, legal and justified as the same was never challenged by the claimants also. The said observation should not, in any manner, come in the way of respondents/applicants herein to challenge the same.

3. We refuse to entertain the review petition on the ground that this observation against which the petitioner has filed this review petition was not upholding the findings of the Labour Court on the other issue but what was meant was that this Court has only taken into consideration the grievance of the petitioner on the issue of penalty.

4. Accordingly, with the aforesaid observation, the review petition stands dismissed. No costs.

Sd/-
(P. Sam Koshy)
Judge