

**CM-12549-CWP-2015 in/and
RA-CW-403-2015 in
CWP-19404-2011**

**The Principal Chief Conservator of Forest & another
Vs.
Van Vibhag Majdoor Union & another**

Present:- Mr. Rajiv Dhawan, Advocate for the applicant/respondents.

Mr. Siddharth Sanwaria, DAG, Haryana.

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CM-12549-2015:

Instant application has been filed under Section 5 of the Limitation Act seeking condonation of delay of 251 days in filing the accompanying review application.

Notice in the application had been issued.

A reply has been filed on behalf of the State opposing the application and the prayer made therein. Since the prayer in the review application is for carrying out certain modifications with regard to the dates of joining/termination of the services of the workmen/applicants and on which there is no dispute, it would be in the interest of justice for the prayer made in the application to be accepted.

Delay condoned.

Application is disposed of.

RA-403-2015:

Instant application filed under Article 226 of the Constitution of India read with order 47 Rule 1 CPC seeks certain modifications/corrections in the judgment dated 10.12.2014 passed by this Court while dismissing CWP-19404-2011 that had been preferred by the Principal, Chief

Conservator of Forest, State of Haryana assailing the award dated 13.06.2011 passed by the Industrial Tribunal, Ambala and in terms of which the reference had been answered in favour of the workmen, namely, Sh. Rameshwar Dass and Sh. Geeta Ram and who were being representing through the Van Vibhag Majdoor Union, Panchkula and they having been held entitled to reinstatement in service with continuity and 50% backwages.

In the judgment recorded by this Court, the averments made in the writ petition filed at the hands of the State of Haryana were relied upon and it had been noticed that Rameshwar Dass was employed in the month of January, 1998 and he continued to serve till 14.06.2004. Insofar as Geeta Ram is concerned, it was observed that he was employed on 15.09.1991 and worked till 22.04.1997.

The afore noticed dates are at variance to the factual premise contained in the impugned award dated 13.06.2011.

In the award (appended as Annexre P-3 along with the main writ petition), it has been mentioned that Rameshwar Dass had joined as a daily wager in the month of January, 1988 and Geeta Ram had joined on 15.09.1991. Services of Geeta Ram were terminated in September, 1994 and he having raised an industrial dispute led to the passing of the award dated 22.04.1997 and as a result of which he was reinstated on 15.06.1998.

Learned State counsel upon instructions from Prahlad Chand, Clerk, O/o D.F.O., Morni, Pinjore states that the factual position/dates as reflected in the award portray the correct factual position.

In view of the above, the limited correction/modification prayed for in the instant review application is accepted.

In the judgment dated 10.12.2014 passed by this Court while dismissing CWP-19404-2011, it stands clarified that Rameshwar Dass joined as a daily wager in January, 1988 instead of January, 1998. Insofar as Geeta Ram is concerned, he was employed on 15.09.1991 and even though his services were terminated in September, 1994, upon an industrial dispute having been raised and award dated 22.04.1997 having been passed, he was reinstated on 15.06.1998.

Pursuant to such correction having been permitted, the judgment dated 10.12.2014 would also read that both the workmen, namely, Rameshwar Dass and Geeta Ram had rendered service on a daily wage basis for a period in excess of 10 years as opposed to the period of “almost 6 years” as has been mentioned in the judgment.

Review application is disposed of accordingly.

13.11.2019
harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**