

NAFR

**HIGH COURT OF CHHATTISGARH BILASPUR****Review Petition No. 130 of 2020**

Doman Singh Verma, Aged 57 Years, R/o Purani Basti, Gandhi Chowk, Supela, Bhiali, District Durg Chhattisgarh.

**---- Petitioner****Versus**

1. Steel Authority of India Limited, Through The Managing Director, Bhiali Steel Plant, Bhilai, District Durg Chhattisgarh.
2. Presiding Officer, Labour Court, Durg, District Durg Chhattisgarh.
3. Industrial Court Through The President, DKS Bhawan, Mahanadi Khand, Ghadi Chowk, Raipur, District Raipur Chhattisgarh.

**---- Respondents**


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| For Petitioner  | : Shri Sudeep Johri, Advocate |
| For Respondents | : None                        |

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**Hon'ble Shri P. R. Ramachandra Menon, Chief Justice****Hon'ble Shri Parth Prateem Sahu, Judge****Order on Board****Parth Prateem Sahu, Judge****13.01.2021**

1. Review petitioner has sought for review of judgement dated 29.01.2020 passed by this Court in Writ Appeal No.302 of 2019 on various grounds.
2. Learned counsel for the review petitioner submits that this Court while deciding the case finally has not considered that there is non-compliance of Section 17(B) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'ID Act') (similar provision to Section 65(3) of the Chhattisgarh Industrial Relations Act, 1960) by the respondent-

employer and disposed off writ appeal. He further submits that learned Court has also not taken note of, that in pursuance of the order passed in favour of the review petitioner by the writ Court of reinstatement with back wages and even upon holding discontinuation of review petitioner to be bad in law, had interdicted with the order passed by learned Single Judge and instead of affirming the order passed by learned Single Judge, directed for payment of compensation of Rs.3 Lacs, which is contrary to the rulings rendered by Hon'ble Supreme Court. He has referred to several rulings rendered by Hon'ble Supreme Court stating it to be on the issue of Section 17(B) of the ID Act i.e. **M.L. Bose and Co., Private Ltd., Calcutta v. Its Employees** reported in **AIR 1961 SC 1198 (V 48 C 214)**, **Regional Authority, Dena Bank & Anr. v. Ghanshyam** reported in **JT 2001 (Suppl.1) SC 229**, **Workmen Represented by Hindustan V.O. Corpn. Ltd. v. Hindustan Vegetable Oils Corporation Ltd. and others** reported in **(2000) 9 SCC 534**. Besides above rulings of Hon'ble Supreme Court, learned counsel also relied upon the ruling of Hon'ble Supreme Court on back wages in case of **Rajasthan State Road Transport Corporation, Jaipur v. Shri Phool Chand (Dead) Through L.Rs.** passed in **Civil Appeal No.1756 of 2010** wherein the other rulings of Hon'ble Supreme Court has been relied upon. He has also relied upon the case of **Punjab and Sind Bank and Another v. Daljinder Singh** reported in **(2015) 16 SCC 293** in support of his contention

that compensation if to be awarded in lieu of reinstatement, then it should be Rs.5 Lacs as awarded by Hon'ble Supreme Court.

3. We have heard Shri Sudeep Johri, learned counsel for the review petitioner at length.
4. While deciding the writ appeal and taking into consideration entire facts and circumstances of the case, this Court has given a reasoning for awarding amount of compensation instead of directing reinstatement with back wages; primarily, age of review petitioner to be of 59 years, who was appointed as daily rated employee on Rs.18.70 paisa per day, he was not in permanent employment and was discontinued on 01.10.1988. The case law of **Daljinder Singh** (supra) as pleaded in review petition by review petitioner was taken into consideration, which is the case of an employee of the Bank whereas review petitioner was engaged as '*Mazdoor*' (daily rated).
5. The jurisdiction of entertaining review petitions are very limited, only to the extent of error apparent on the face of record as held by Hon'ble Supreme Court in case of **Meera Bhanja (Smt.) v. Nirmala Kumari Choudhury (Smt.)** reported in (1995) 1 SCC 170. Error apparent on face of record means, such error for which entire record is not required to be looked into. Review petition cannot be a re-hearing of original proceedings by appreciating each and every fact and the law, which is a jurisdiction of an Appellate Court.

6. Each and every factual or legal error cannot be made subject matter of review by examining the entire facts and circumstances of the case *denovo*, we find support from the ruling of Hon'ble Supreme Court in case of **Asharfi Devi (Dead) through Legal Representatives v. State of Uttar Pradesh and Others** reported in **(2019) 5 SCC 86**.
7. In the result, we do not find any error apparent on the face of the record for review of the impugned judgment. The review petition is sans merit, liable to be and is hereby dismissed.

Sd/-  
**(P.R. Ramachandra Menon)**  
**Chief Justice**

Sd/-  
**(Parth Prateem Sahu)**  
**Judge**