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CM-13653 & -13654-CWP-2019
RA-CW-369-2019 in
CWP-8722-2018

DAMODAR
V/S
PRESIDING OFFICER, INDUSTRIAL TRIBUNAL CUM LABOUR
COURT-II, FARIDABAD AND ANR

Present : Mr. Somnath Mukharjee, Advocate
for the applicant-petitioner.

The applicant through instant application is seeking review
of order dated 27.04.2018 passed by this Court.

By order dated 27.04.2018, the main petition was dismissed
on merit. Order dated 27.04.2018 is reproduced as below:-

*“In the instant petition, petitioner has challenged the
award passed by the Labour Court dated 21.09.2015
(Annexure P-4).*

*2. Perusal of the record, it is evident that management
have expressed their readiness to take back the petitioner to
duty. Petitioner- workman has not shown his interest to
report back to duty which is evident from para-11 of the
award passed by the Labour Court. In the absence of
necessary material to show that petitioner has shown his
interest to work with the management, petitioner's contention
cannot be accepted to the extent that he has shown his
interest to work with the management.*

*3. Accordingly, petitioner has not made out a case so as
to interfere with the award passed by the Labour Court
dated 21.09.2015.*

4. Accordingly, petition stands dismissed.”

The applicant preferred intra court appeal which was
withdrawn with liberty to approach Single Judge by making an
appropriate application. Order dated 29.11.2018 passed by Division

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Bench in LPA No. 1478 of 2018 reads as :

“After the matter was heard for some time, learned counsel for the appellant made a request to permit withdrawal of the appeal with liberty to approach the learned single Judge by making an appropriate application.

Prayer made is allowed.

Appeal stands dismissed as withdrawal with liberty as prayed for.”

Learned counsel for the applicant submits that few facts could not be brought in the knowledge of this Court at the time of passing earlier order. The applicant has also filed separate application seeking amendment of writ petition.

There is no ground to recall/review order dated 27.04.2018. In the absence of any ground as contemplated by Section 114 read with Order 47 Rule 1 of CPC, this Court cannot review its order. The applicant has failed to point out any ground to recall the order.

Dismissed.

(JAGMOHAN BANSAL)
JUDGE

05.12.2024

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