

LOKESH**VS.****M/S MANAGING COMMITTEE, SAINT THOMAS SENIOR
SECONDARY SCHOOL, FARIDABAD AND ANOTHER**

Present: Mr. A.P. Bhandari, Advocate for the non-applicant/petitioner.

Mr. Satyaveer Singh, Advocate
for applicant/respondent No.1.

1. Present review application has been filed by the applicant-respondent No.1 for seeking review of the final order dated 17.08.2016 passed by this Court.

2. Mr. A.P. Bhandari, Advocate representing non-applicant/petitioner submits that after the decision of the writ petition, his client Lokesh had taken away the brief of the present case and he is not in a position to submit anything .

3. In such circumstances, this Court had given some time to Mr. A.P. Bhandari, Advocate for the non-applicant/petitioner to examine the record from the Court's record to assist the Court.

4. Learned counsel for the non-applicant/petitioner submits that the facts explained in the present application qua order dated 17.08.2016 passed by this Court, cannot be disputed in any manner.

5. In support of the application, Mr. Satyaveer Singh, Advocate for applicant/respondent No.1 refers to the order dated 17.08.2016 passed in CWP-18756-2012 and submits that this Court has inadvertently, noticed the date of joining of the workman as 17.03.1993, whereas actual and admitted date of joining of the service by the workman is

17.06.1998. To affirm the said fact, learned counsel for applicant-respondent No.1 refers to the photocopy of the vernacular of the demand notice dated 15.01.2004, issued by the workman under Section 2-A of the Industrial Disputes Act, 1947 written and signed by the workman-Lokesh himself, wherein the date of joining of the service has been mentioned as 17.06.1998.

6. Learned counsel for the applicant-respondent No.1 submits that it is the pleaded case of the workman himself that he rendered service to the applicant/respondent No.1 with effect from 17.06.1998. Therefore, there was no reason for this Court to mention the date of joining of the service of workman as 17.03.1993. He further submits that infact, it appears to be an inadvertent typographical mistake.

7. Mr. A.P. Bhandari, learned counsel for the non-applicant/petitioner, however, refers to the statement dated 22.12.2008 of-workman-Lokesh as WW1, recorded before the Labour Court and submits that in the second line of the said statement, the date of joining of the service was written as 17.03.1993. However, he admits that everywhere else on the record, it was mentioned as 17.06.1998.

8. After hearing the learned counsel for the parties, this Court is well satisfied and is thus, of the considered view that the actual pleaded date of joining of the service is 17.06.1998 as mentioned in the demand notice (Annexure P-1) itself, and same date of joining the service has been pleaded in the writ petition also.

9. This correction is required to be made in the order because, the total compensation awarded by this Court vide its order dated 17.08.2016 is Rs.5,00,000/- (five lacs only), after considering the length of service from 1993 to 2003, whereas it has be read as '1998 to 2003'. Therefore, counsel for the applicant-respondent No.1 submits that the compensation amount of Rs.5,00,000/- is also required to be modified as Rs.2,50,000/-, because the compensation of Rs.5,00,000/- was awarded considering the length of service of ten years, which after the modification of the order would be of five years.

10. Considering the stand taken in the application as well as the submissions addressed before this Court and after examining the record, **prayer made in the application is allowed. The order dated 17.08.2016 passed by this Court, is modified to the extent that the date of joining of the service be read as "17.06.1998" instead of "17.03.1993" and amount/figure of Rs.5,00,000/- (five lacs) be considered as Rs.2,50,000/- (two lac fifty thousand).**

11. Accordingly, application stands disposed of.

**(SANJAY VASHISTH)
JUDGE**

26.02.2024
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