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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 44/2025, CM APPLs. 3122/2025, 3123/2025 & 3124/2025

**UTTAR PRADESH RAJKIYA NIRMAN NIGAM
LTD**

.....Appellant

Through: Mr. Rajesh Pathak and
Mr. Ishank Gupta, Advs.

versus

**P.O. CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AND LABOUR COURT II & ANR.**

.....Respondents

Through:

**CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE AJAY DIGPAUL**

JUDGMENT (ORAL)

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20.01.2025

C. HARI SHANKAR, J.

1. WP (C) 12272/2006 was filed by the appellant UP Rajkiya Nirman Nigam Ltd challenging an award dated 10 March 2006, passed by the Industrial Tribunal in ID 166/1999, whereby the Respondent 2 workman was directed to be reinstated in service with 50% back wages. By the following order dated 14 March 2024, WP(C) 12272/2006 was disposed of:

“It is submitted on behalf of the petitioner, since the respondent No.2 has already been reinstated in terms of the directions of the Tribunal and the back wages have also been paid to him, nothing is left for further adjudication in the present petition and thus the same is



rendered infructuous.

In view of the above, the petition is thus dismissed as rendered infructuous.”

2. The appellant filed Review Petition 255/2024, seeking review of the aforesaid order dated 14 March 2024. The review petition, which ran into several pages, contained the following sole averment, with respect to the statement made by the appellant’s Counsel before the learned Single Judge on the basis of which the order dated 14 March 2024 came to be passed:

“3. Because this Hon’ble Court wrongly interpreted the statement of the learned counsel and Passed an Order Dated : 14/03/2024 ,NOT ON MARIT but as The Writ Petition , is Thus Dismissed As Rendered Infructuous.¹”

3. The review petition was conspicuously silent as to how the learned Single Judge had misinterpreted the statement made by the Counsel.

4. Indeed, we find this averment completely inexplicable.

5. The order dated 14 March 2024 recorded the statement of the Counsel for the appellant that, as the respondents stood reinstated with back wages, the dispute in controversy did not survive for consideration and the writ petition had been rendered infructuous.

6. It is not the appellant’s case that such a statement was not made

¹ Reproduced verbatim from para 3 of grounds contained in **RP 255/2024** in **WPC 12272/2006**



before the learned Single Judge or that the learned Single Judge had erroneously recorded the statement made by its Counsel. It is not the appellant's case that the Counsel was not instructed or authorised to make such a statement. The Review Petition was completely silent as to the "correct interpretation" which the learned Single Judge ought to have placed on the statement of the Counsel on 14 March 2024, or how the interpretation placed by the learned Single Judge is erroneous.

7. Indeed, we find that there was hardly any scope for interpretative calisthenics while dealing with the statement of the Counsel that, as the workman had been reinstated and granted back wages, the writ petition had been rendered infructuous.

8. No case was, therefore, at all made out for review of the order dated 14 March 2024.

9. By order dated 6 August 2024, the learned Single Judge has dismissed the review petition.

10. Aggrieved by the aforesaid orders dated 14 March 2024 and 6 August 2024, the petitioner before the learned Single Judge has filed the present Letters Patent Appeal.

11. We have heard Mr. Rajesh Pathak, learned Counsel for the appellant. For the aforesaid reasons, it is clear that there is no error in the decision of the learned Single Judge to dismiss the review petition.



12. No occasion obviously arises to interfere with the order dated 14 March 2024 as it is an order passed on the statement made by learned Counsel for the appellant which has not been disowned by the appellant at any stage.

13. The LPA is, therefore, devoid of any merits and is, accordingly, dismissed *in limine*.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

JANUARY 20, 2025/AS

Click here to check corrigendum, if any