

BEFORE PRESIDING OFFICER; Justice Sh. Vikas Kunvar Shrivastava (Retd.) CENTRAL
GOVT. INDUSTRIAL TRIBUNAL CUM LABOUR COURT NO.1 ROOM NO. 207(2nd FLOOR)
ROUSE AVENUE DISTRICT COURT COMPLEX, PANDIT DEEN DAYAL UPADHYAY MARG,
NEW DELHI-110002

General Secretary Vs. IIT Roorkee (ID No. 18/2013)

26/9/2022

Present: Shri Amit Sharma, A/R for the applicant/workman.
Shri Ravi Mishra, A/R for the Management.

- 1- This is an application for correction in the award dated 7/01/2019 passed by this Tribunal.
- 2- Learned A/R for the Management does not want to file reply there to. I have heard learned counsel for the parties and have also perused the record.
- 3- It is stated that due to inadvertent and typographical mistake, in para 14 and last para of the Award the designation of the workman/claimant was written as Mali, whereas she was working as Telephone Operator. Prayer has been made for making necessary correction in the Award.
- 4- I may mention that Rule 28 of the Industrial Disputes (Central) Rules, 1957 empowers the Court/Tribunal to correct any clerical mistake or error in any proceedings or Award. The said Rule is reproduced here under for the sake of convenience:-

"28,Correction of errors - A Board, Court, Labour Court, Tribunal, National Tribunal or an Arbitrator may at any time correct any clerical mistake or error arising from an accidental slip or omission in any proceedings, report, award or decision either of its or his motion or on application of any of the parties."

A plain reading of the aforesaid Rule 28 shows that the Court/Tribunal may **at any time correct** any clerical mistake or error arising from an accidental slip or omission in any proceedings, award or decision. To my mind, the words **"at any time"** would mean at any time during the proceedings or after passing of the Award, not with standing the publication of the Award but the accidental slip or omission in the award or decision/order must be an error due to a careless mistake or omission unintentionally made, which the Court/Tribunal did not intend to say or omit.

- 5- It appears that unintentional error or omission in the nature clerical/typographical has crept in the concluding/last para of the Award so passed by this Tribunal with respect to the designation of the workman/claimant. Same is required to be rectified. Accordingly, it is ordered that the concluding para 14 & last para of the Award dated 7/1/2019 passed in ID No. 18/2013 be read as under and same shall form part of the Award.

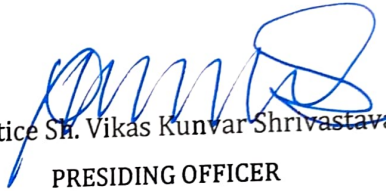
"14.....In these circumstances, this Tribunal is of the considered view that the workman/claimant is entitled to get benefit of regularization to the post of **Telephone operator** in the regular pay-scale existing to the said post, w.e.f. 7/01/2013 with all consequential benefits viz.annual increment and other prevalent benefits/facilities like HRA, transport, medical facility etc.

Relief :-

In view of my aforesaid findings, the Management is directed to regularize the workman/claimant to the post of **Telephone Operator** w.e.f. 7/01/2013 in the regular pay-scale of **Telephone Operator**, with all consequential benefits and arrears of the same be also paid to her. The Award is passed accordingly....."

The application stands disposed of accordingly. File after completion be consigned to records.

Date: 26nd September, 2022.


Justice Sh. Vikas Kunvar Shrivastava(Retd.)

PRESIDING OFFICER

CGIT -cum-LABOUR COURT-1