

**HIGH COURT OF JAMMU AND KASHMIR AND LADAKH  
AT JAMMU**

**Reserved on : 10.05.2023**

**Pronounced on: 15.05.2023**

RP No.48/2022

CM No.1494/2022

State of J&K and others

.....**Appellant(s)/Petitioner(s)**

Through: Mr. R.S. Jamwal, AAG

**versus**

Surinder Kumar and others

.....**Respondent(s)**

Through: Mr. Anil Sethi, Advocate

**Coram:** HON'BLE MR. JUSTICE TASHI RABSTAN, JUDGE  
HON'BLE MR JUSTICE PUNEET GUPTA, JUDGE

**Tashi Rabstan - Judge**

1. Writ petitioners-respondents herein filed SWP No.2502/2010 seeking regularization of their services as Supervisors from the date they were asked to perform the functions as such. In paragraph-2 of the writ petition, the writ petitioners had specifically averred that they had been performing the duties of Supervisors and certificates to this effect have also been issued by the concerned Assistant Executive Engineers. The writ respondents-applicants herein in their objections did not deny the issuance of certificates by the concerned Assistant Executive Engineers or that these certificates are fake ones.

2. The learned Writ Court vide judgment 25.11.2016 though dismissed the writ petition, yet left open to the writ petitioners to submit their claims for charge allowance for the period they were made to perform the functions as Supervisors and the writ respondents were also directed to accord

consideration to those claims in the light of the certificates issued by the Assistant Executive Engineer(s).

3. Against the judgment of learned Single Judge, writ petitioners-respondents herein filed LPASW No.104/2017 and the Division Bench vide judgment dated 30.08.2017 while disposing of the appeal directed the writ respondents-applicants herein to pay salary to the writ petitioners on the post of Supervisor for the period they were made to perform the duties on this post, as the writ respondents did not deny the issuance of certificates by the Assistant Executive Engineer(s).

4. Now the writ respondents-applicants herein have filed the instant review petition seeking review of judgment dated 30.08.2017 delivered by the Division Bench in LPASW No.104/2017 on the ground that the certificates relied upon by the writ petitioners were fake as the concerned Assistant Executive Engineers have denied signing such certificates.

5. It is to be seen here that the writ petition came to be filed in the year 2010, wherein the writ petitioners in paragraph-2 had specifically averred that they had been performing the duties of Supervisors and that the certificates to this effect have also been issued by the concerned Assistant Executive Engineers. However, the writ respondents-applicants herein did not deny the issuance of such certificates in their objections. Even in the appeal filed by the writ petitioners in the year 2017, the writ respondents did not deny issuance of such certificates by the concerned Assistant Executive Engineers. Further, the appeal came to be disposed of on 30.08.2017 and the present review petition came to be filed on 16.05.2018, i.e., there is 223 days delay in filing the instant review petition, which has not been explained by the writ respondents.

6. Therefore, in view of the above, we do not find any ground to review the judgment-in-question. The review petition is, accordingly, dismissed.

**Jammu**  
**15.05.2023**  
(Anil Sanhotra)

**(Puneet Gupta)**  
**Judge**

**(Tashi Rabstan)**  
**Judge**

Whether the order is reportable ?  
Whether the order is speaking ?

Yes  
Yes

