

Court No. - 1

Case :- CIVIL MISC REVIEW APPLICATION No. - 44 of 2021

Applicant :- Dr. Babu Ram Sharma

Opposite Party :- State Of U.P.Thru
Prin.Secy./Spcl.Secy.Higher Education Andors

Counsel for Applicant :- Rahul Mishra,Umesh Chandra
Pandey

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Karunesh Singh Pawar,J.

1. Heard learned counsel for the review application.

2. This is the review application of our judgment rendered in Special Appeal Defective No. 130 of 2020 decided on 17.03.2020.

3. Learned counsel for the review applicant has argued that after issuance of order dated 13.05.2011, there was no necessity or cause for which he ought to have challenged the order dated 29.09.2010 by which his reinstatement order passed on 21.09.2010 was kept in abeyance. The fact of issuance of order dated 13.05.2011 according to the petitioner was brought to the notice of writ Court in the review application of the order dated 14.10.2019 passed in Writ No. 25091 (S/S) of 2019. The compliance of the judgment dated 03.08.2010 rendered in special appeal defective No. 1202/2010 was bound to be pursued by the review applicant, however, he remained indolent and the order dated 29.09.2010 remained unassailed by him till the date of his superannuation and thereafter till the initiation of writ petition No. 2509 (S/S) of 2019. The representations claiming salary for the period 01.07.2009 up to the date of his superannuation i.e. 30.06.2012 came to be rejected vide order dated 21.05.2015. According to the writ court, challenge to the order dated 21.05.2015 was inconsequential unless the order dated 29.09.2010 was challenged, therefore, the writ petition was rejected on the ground of laches on 14.10.2019 and the review application in absence of an error apparent on the face of record was rejected too on 14.02.2020.

4. This Court while dismissing the Special Appeal on 17.03.2020 has considered all the aspects of the matter and the ground of filing review application before the Writ Court was also addressed. The impugned judgment is a well considered judgment and in absence of any ground urged before us making out a case of an error apparent on the face of record, we are not convinced to take a different view.

5. At this stage, learned counsel for the review applicant has pointed out that he had filed another writ petition No. 1551 of 2010 assailing the order dated 29.09.2010 which consequent upon his attaining the age of superannuation was not pursued.

6. In case any such grievance is pending in the said writ petition or dealt with in any manner, it is open for the review applicant to take appropriate proceedings in the aforesaid writ petition.

7. The review application is accordingly rejected with the above liberty.

(Karunesh Singh Pawar,J.) (Attai Rahman Masoodi,J.)

Order Date :- 8.12.2023

R.C.