

Court No. - 3

Case :- CIVIL MISC REVIEW APPLICATION DEFECTIVE
No. - 237 of 2023

Applicant :- Director Bal Vikas Seva Evam Pustahar Lko. And
4 Others

Opposite Party :- Rambha Devi And 3 Others

Counsel for Applicant :- C.S.C.

Hon'ble Vivek Chaudhary,J.

(C.M. Application 01 of 2023)

1. Heard learned counsel for parties.
2. As per Stamp Reporter, there is delay in filing the instant review application.
3. Since learned counsel for respondent has no objection if delay in filing the instant review application is condoned and cause shown by the applicant/petitioner in filing the instant review application beyond time appears to be satisfactory, therefore, the delay condonation application is **allowed** and delay in filing the instant review application is condoned.

(Order on review application)

1. Heard learned Standing Counsel for the review applicants.
2. The sole submission of learned Standing Counsel for the review applicants is that this Court had allowed the writ petition no.6259 of 2014 by means of judgment and order dated 14.03.2022 that in paragraph 8 of writ petition, petitioners have stated that they continued to work and there was no denial in paragraph 8 of the counter affidavit filed in the year 2014.
3. Learned Standing Counsel states that in paragraph 12 of the counter affidavit, there is denial that no work was taken from the petitioners after they attained the age of 62 years. A perusal of annexure 9 of writ petition shows that it is on 01.10.2014 that Kshetriya Mukya Sevika, Hargaon, Sitapur wrote a communication to two of the petitioners that now they should hand over the charge of *Karyakatri* to Smt. Qamar Jahan and Smt. Mithlesh. Two of the petitioners namely petitioner nos.3 and 4 continued to work till 01.10.2014 when the said letter was issued, thus, it shows that the stand taken in the counter affidavit is false to the said extent. All the documents were throughout available with the respondents. They should not

have taken a stand contrary to their own documents and should have filed all the documents including the attendance register along with the counter affidavit to show that *Sevika* who started functioning in place of petitioners after 2012 and petitioners were not working after 2012. Once it is proved that the stand of respondents with regard to petitioner nos.3 and 4 is false and incorrect, the said stand with regard to petitioner nos.1 and 2 also cannot be accepted in absence of relevant records which ought to have been filed with the counter affidavit or with the review application.

4. In the given facts and circumstances, this Court does not accept the submission made on behalf of counsel for review applicants.

5. Review application is hereby ***dismissed***.

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[Vivek Chaudhary, J.]

Order Date :- 24.11.2023

-Amit K-