

Court No. - 7

Case :- CIVIL MISC REVIEW APPLICATION No. - 130 of 2023

Applicant :- U.P. Power Corporation Nivida /Samvida Karmchari Sangh Thru. Genral Secy. Devendra Kumar Pandey

Opposite Party :- U.P. Power Corporation Ltd. Thru. Managing Director Lko. And 2 Others

Counsel for Applicant :- Pradip Kumar Srivastava

Counsel for Opposite Party :- Neerav Chitravanshi,Alok Saran

Hon'ble Abdul Moin,J.

Heard.

The instant review application has been filed praying for review of judgement and order dated 17.10.2023 passed in Writ A No.7028 of 2023 in re: U.P. Power Corporation Nivida / Samvida Karmchari Sangh vs U.P. Power Corporation Ltd and others.

The ground for review is that this Court while dismissing the writ petition has indicated that even if the ground on which the said writ petition was filed may not have been taken in earlier three petitions that had been filed by the association at earlier stage of time yet it cannot be said that the petitioner association can continue to file one petition after the other on various novel grounds which keep coming in fertile mind of lawyer.

The contention is that three petitions that were filed by the associations as have been indicated in the order of this Court were filed by various associations with which the present association which filed the petition which led to the order being prayed for being review have got no connection and even the grounds which have been taken while filing the aforesaid petition was not taken in the earlier petition and thus there is error apparent from the face of record.

Learned counsel for the applicant fairly states that all the associations have been formed for the same purpose i.e. for

agitating the grievance of contractual employees.

The Court is again constrained to observe that the said ground of review would fall within the admit of being "novel ground!". The reason is that in case the said ground for review is taken at its face value nothing prevents another group of persons of going and forming another association and again coming to the Court challenging the same order which was challenged in all the three petition and which have all been dismissed. There cannot be any occasion of the same order being challenged by one association after the other by contending that all the associations are different.

This Court is constrained to observed that repeated petitions are are being filed by the associations purportedly contending that they have got no connection with each other although admittedly as stated by learned counsel for the petitioner all have been formed for the same purpose i.e. for agitating the grievance of the contractual employees and thus repeated filing of petition is nothing but an abuse of process of law.

The Court restrains itself from observing anything further.

Considering the aforesaid, the review application is **dismissed**.

Order Date :- 7.11.2023
J.K. Dinkar