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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 1780/2006

B.R. SHARMA

..... Appellant

Represented by: In person

Versus

SYNDICATE BANK & ORS.

..... Respondents

Represented by: Mr.Rajat Arora, Advocate

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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04.11.2016

CM No.30902/2016

For the reasons stated in the application 224 days delay in filing the review petition is condoned.

Application is allowed.

Review Petition No.381/2016

1. Served with a charge-sheet and being found guilty of being a part of unauthorized assembly in the premises of the Zonal Office, and forcibly entering the room of the Deputy General Manager, using violence and threatening the Deputy General Manager, requiring police to be summoned to escort the Deputy General Manager to safety and in the presence of the police attempting to reach the Deputy General Manager with obvious intention to assault him, appellant was inflicted with the penalty of compulsory retirement. Gratuity was forfeited. The appeal was dismissed on December 11, 2015. Seeking review with a delay of 224 days two points are urged.

2. In paragraph 6 it is pleaded that other officers who participated in the *dharna* were not proceeded against departmentally. The second point is that in other cases employees who were dismissed on grave charges were paid the gratuity.
3. As regards the first point on which review is sought i.e. other employees who participated in the *dharna* not being proceeded against departmentally, this would not be an event not to appellant's knowledge. If he had pleaded a case of parity naming the employees the department may have given a suitable response. Be that it may, with respect to said fact review would not lie.
4. As regards penalty imposed on others and yet gratuity paid, suffice it to state that each case of misdemeanour stands on its own footing.
5. The review application is accordingly dismissed.
6. No costs.

PRADEEP NANDRAJOG, J.

V. KAMESWAR RAO, J.

NOVEMBER 04 2016

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