

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Review Petition No. 57 of 2016**

Arath Ram Marar S/o Firat Ram Marar, Aged About 35 Years R/o Bhilaikhurd, P.S. Korba, Distt. Korba, Chhattisgarh

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Water Resources, Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt. Raipur, Chhattisgarh
2. Executive Engineer, Hasdeo Jal Prabandh Sambhag, Janjgir, Distt. Janjgir-Champa, Chhattisgarh
3. Sub Divisional Officer, Hasdeo Left Bank Canal, Sub Division No.1, Distt. Janjgir-Champa, Chhattisgarh

---- **Respondents****And****Review Petition No. 58 Of 2016**

Panch Ram Marar S/o Firat Ram Marar, Aged About 35 Years R/o Bhilaikhurd, P.S. Korba, Distt. Korba, Chhattisgarh

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Water Resources, Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt. Raipur, Chhattisgarh
2. Executive Engineer, Hasdeo Jal Prabandh Sambhag, Janjgir, Distt. Janjgir-Champa, Chhattisgarh
3. Sub Divisional Officer, Hasdeo Left Bank Canal, Sub Division No.1, Distt. Janjgir-Champa, Chhattisgarh

---- **Respondents**

For Petitioners : Shri KPS Gandhi and Shri Lav Sharma, Advocates.
 For Respondent/State : Shri Yashwant Singh Thakur, Additional Advocate General.

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Order on Board**Per Deepak Gupta, Chief Justice****02/11/2016**

1. Both the review petitions have been disposed of by this common order since they arise out of same judgment dated 29.10.2015 passed by the Division Bench of this Court, in which one of us (P. Sam Koshy, J.) was a member.

2. The facts relevant for disposal of the cases are that the services of the Petitioners have been allegedly terminated on 28.2.1995 and the workmen filed a reference in the year 2011. The matter was referred to the Tribunal, which found that the services of the Petitioners had wrongly been terminated and therefore the Tribunal ordered reinstatement in service without benefit of back wages.

3. The State filed writ petitions and the Learned Single Judge held that in view of the inordinate delay in filing the reference petitions, the workmens' were not entitled to claim benefit of reinstatement but awarded compensation of Rs.75,000/- each in lieu of reinstatement. The workmen challenged the judgment of the Learned Single Judge by filing the writ appeals before the Division Bench and the Division Bench dismissed the same.

4. This review petitions have been filed mainly on the ground that on 27.11.2015 the same Division Bench which had dismissed the writ appeal of the Petitioners, had allowed the writ appeal of other workmen who had also been awarded compensation in lieu of reinstatement. It is urged that the Division Bench had taken different views in both the matters. We are of the considered view that this does not constitute a ground for review of the earlier order passed by the Division Bench. The facts of both the cases are different. In that case, it is not clear that what was the date of termination of the Petitioner and when was the reference made. Each case has to be decided on its own facts.

5. In this view of the matter, we do not find any error apparent on the face of the record. Therefore, the review petitions are dismissed.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
Judge