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

+ **W.P.(C) 1967/2016**

CHARAN DASS

..... Petitioner

Through Mr. G.D. Bhandari, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through Mr. Jagjit Singh & Mr. Preet Singh,
Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

09.03.2016

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CM No. 8481/2016

Exemption application is allowed, subject to all just exceptions.

W.P.(C) No. 1967/2016

The petitioner had earlier filed OA No. 401/2008 challenging the penalty of removal from service. This OA was allowed by order dated 28th November, 2008 with the direction that the petitioner be reinstated in service, with consequential benefits including seniority, promotion and increments, but without back wages. This is clear from paragraph 24 of the said order dated 28th November, 2008, which is quoted for clarity and convenience:-

“24. In the result, for the foregoing reasons, we allow this OA to the extent that the impugned orders are

set aside. Respondents are directed to forthwith reinstate the applicant in service with all consequences, including seniority, promotion, increment but we deny back wages to the applicant. No costs.”

2. Both, the petitioner and respondents were satisfied with this order and no challenge was made, by filing a review petition or by moving the High Court. The order and directions given therein attained finality.

3. After a period of about five years, the petitioner filed RA No. 151/2013, stating that the tribunal had erred and was wrong in denying back wages after having directed reinstatement and allowing other benefits. It appears that an application for condonation of delay was filed along with the review application, but no order was passed thereon. The review application was dismissed vide order dated 22nd May, 2015 after recording that the same would not lie. Thereafter, the petitioner herein filed the second review application seeking review of the order dated 22nd May, 2015. It is well settled that a second review application is not maintainable. This application was dismissed vide order dated 4th January, 2016.

4. Now, the petitioner approaches this Court by way of the present writ petition and has sought to challenge the three orders. The preliminary challenge, as we would note and record, is to the order dated 28th November, 2008, which was accepted by the parties till the review application was filed after nearly five years in 2013. It is apparent that the

parties were satisfied with the said order and, therefore, neither the petitioner nor the respondents took further action. Filing of the review application in these circumstances, does not explain and justify the challenge now made to the order dated 28th November, 2008. The challenge in this petition has been made after a long delay, for which there is no explanation forthcoming. The petition is accordingly dismissed for the aforesaid reasons.

SANJIV KHANNA, J.

ASHUTOSH KUMAR, J.

MARCH 09, 2016
VKR