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RA-CW-351-2017 in CWP-7466-2017

SANGEETA BAHL VS CHAIRMAN, CHD HOUSING BOARD & ORS

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RA-CW-331-2017 in CWP-9259-2017

SAROJ GROVER VS CHAIRMAN, CHD HOUSING BOARD & ORS

Present : Mr. Rohit Seth, Advocate and
Mr. S.S.Saler, Advocate
for the applicant-petitioner (s).

Mr. Suveer Sehgal, Advocate with
Ms. Deepali Puri, Advocate
for the non-applicants-respondents.

These applications have been filed to recall the judgments and orders dated 31.05.2017. Facts are being culled out from **RA-CW-351-2017 in CWP-7466-2017**.

The applicants-petitioners were seeking a mandamus directing the respondent-Chandigarh Housing Board to grant them extension beyond the age of 58 years in terms of the decision (Annexure P-4) as adopted by the Chandigarh Housing Board by document (Annexure P-7). At that time it was argued that the cases of the applicant(s)-petitioner(s) were considered with reference to the some amendments made in the year 2015 but the same had not been adopted. Thereafter the present applications have been filed in which it has been averred that inadvertently a lot of stress was given to the 2015 amendment both by the applicant(s)-petitioner(s) and the non-applicants-respondents and the issue of whether the 2015 amendment was actually adopted by the Housing Board but the fact of the matter is that to determine the issue of extension there was no difference between Annexures P-4 of 2012 and P-11 of 2015 amendment and consequently both the cases were decided on an erroneous premise.

Learned senior counsel appearing on behalf of the non-applicants-respondents states that the only difference between the amendment of 2012 and 2015 is that under the 2012 amendment extension of two years straight away could be given while under the 2015 amendment extension of one year at a time could have been given. He is not in a position however to deny that there was no difference in the parameters for consideration. Once this is so it is clear that the judgments and orders proceeded on erroneous premise. Consequently the same are recalled. The cases are restored to its original number.

Learned counsel for the applicant(s)-petitioner(s) state that the precious time of extension of the applicant(s)-petitioner(s) have been wasted and consequently the cases should be listed at an early date.

I find merit in this and direct the registry to list these cases as per roster after obtaining orders from Hon'ble the Chief Justice on 04.10.2017.

Photocopy of this order be placed on files of the connected cases.

25.09.2017
Pooja sharma-I

(AJAY TEWARI)
JUDGE