

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

**RA-CW-369 of 2017 in
CWP 11788 of 2015**

Date of Decision: September 8, 2017

Punjab and Haryana High Court Chandigarh th. its Registrar General & ors.

.....Non-applicant/ petitioner

Vs.

State Information Commission, Punjab and anr.

.....Respondents.

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present: Mr. Jiwan Garg, Applicant- respondent No.2 in person.

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M.M.S. BEDI, J.

Vide order dated May 9, 2017 the writ petition had been allowed.

Through the instant review application, respondent No.2/ applicant prays that the order dated May 9, 2017 be reviewed and the writ petition be re-adjudicated and should be dismissed.

The grievance of the applicant is that Civil Misc. applications bearing CM 7555-CWP of 2015, CM 7732-CWP of 2015, CM -765-CWP of 2016, CM -766-CWP of 2016 and CM-1777-CWP of 2017 have not been considered and that the said misc. applications should be allowed.

Before considering the maintainability of the review application, it is not out of place to mention here that when the petition was

taken up for consideration, the application- respondent No.2 had expressed no confidence in the Court and desired the Court to recuse from hearing the writ petition. He had also made a request that he had levelled allegations against the Chief Justice and raised grievance regarding the system of working of this Court as well as functioning of this Court as the proceedings should be taken in camera. His grievance in writing had been considered in the judgment.

On February 21, 2017, he had made another statement that he should be permitted to leave the Court as he had moved an application bearing CM -1777-CWP of 2017 for hearing the matter by Supreme Court. This Court had rejected the request of respondent No.2 to recuse from the case, considering the same to be violation of the constitutional oath of this Court to adjudicate the matter without fear, favour or bias. The writ petition was allowed and the impugned order annexure P-12 dated April 7, 2015 requiring the High Court to provide information to respondent No.2 was set aside.

The review application has now been filed again by respondent No.2 Mr. Jiwan Garg by appearing in the Court. Respondent No.2- applicant appearing in the Court has contended that the law which has been referred to in my judgment has been wrongly appreciated by this Court. The applicant- respondent No.2 has given his own interpretation of the case law in the review application. By appearing in person, the applicant has urged that the order passed by this Court is wrong and on misreading of the judgments of the Supreme Court.

I have considered all the contentions of applicant- respondent No.2. All the contentions of respondent No.2-applicant regarding illegality of the order passed by this Court cannot be appreciated by this Court as an Appellate Court. The review application cannot be considered as an appeal against the order passed by this court itself. Applicant- respondent No.2 once having walked out of the Court after making submission that this Court should recuse and the matter should be referred to Supreme Court, he does not have any locus standi at this stage to file any review application seeking re-adjudication of the matter after considering the alleged illegalities in the order passed by this Court. The review application is, therefore, not maintainable in law.

So far as reconsideration of the applications mentioned in the review application are concerned, these have been taken into consideration again. The CMs are as follows:-

- i) CM 7555-CWP-2015: To transfer the CWP to Chief Justice or to hear the CWP in camera;
- ii) CM 7732-CWP-2015: to take on record reply of respondent No.2, Jiwan Garg to the writ petition;
- iii) CM 765-CWP- 2016: To direct petitioner- High Court to furnish certificate clarifying whether they have original record of complaint/ investigation;
- iv) CM 766-CWP-2016: To take on record rejoinder of respondent no.2 to the replication of petitioner;

v) CM-1777-CWP-2017: To place on record certain extracts of decided cases and to send the CWP to Supreme Court for hearing.”

The applications at Sr. No.1 to 5 had been taken into consideration at the time of decision of the writ petition. Though under separate numbers of misc. applications, separate orders had not been passed, the writ petition had been allowed. The prayer for transfer of writ petition to Chief Justice was dismissed. So far as misc. application at Sr. No.2 is concerned, the reply of respondent No.2 had been taken into consideration. Misc. application at Sr. no.3 was being irrelevant for the adjudication of the writ petition, had been dismissed. So far as the misc. application at Sr. No.4 is concerned, the same being not permissible under Order 8 Rule 9 CPC , was not allowed. So far as misc. application at Sr. No.5 is concerned, the said application contained the similar prayer requiring this Court to send CWP to Supreme Court was impliedly declined when the writ petition had been decided by this Court.

No ground is made out for reviewing the order dated May 9, 2017 passed by this Court, as such the review application is dismissed.

September 8, 2017
sanjay

(M.M.S. BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether reportable:	Yes/No.