

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

101

**Review Application No.432 of 2017
in CWP-19131-2012 (O&M)
Date of decision:24.11.2017**

Narotam Dev Sharma and others

....Petitioners

Versus

State of Haryana and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr.Deepak Sonak, Advocate for the petitioners.

Mr. Rajesh Gaur, Addl. A.G. Haryana.

P.B. Bajanthri, J. (Oral)

CM No.13165 of 2017

Heard CM for condonation of delay of 115 days in filing the review application. In view of the reasons mentioned in the application and affidavit, same is allowed. Delay of 115 days in filing the review application is condoned.

Review application No.432 of 2017

Heard. Petitioner has sought for reviewing the order dated 20.04.2014. In the writ petition, petitioner had prayed for quashing the order dated 17.09.2012 and further sought for a direction to refix the pay of the petitioner in the pay scale of 1200-2040 (revised as 4000-6000/-). On the short question of non-speaking order, order dated 17.09.2012 was set aside and matter has been remanded to competent authority to take fresh steps by issuing appropriate notice and after receipt of the petitioner's explanation proceed to pass order. In this background, no error apparent on the face of the record has

**Review Application No.432 of 2017
in CWP-19131-2012 (O&M)**

-2-

been brought in the review application so as to review the order passed in writ petition. What has been sought to be reviewed is seeking time bound direction and further to restore the pay. Insofar as restoring the pay is concerned it is for the petitioner to approach the authorities. If they refused to restore the pay in that event he had a fresh cause of action and insofar as fixation of time bound direction to comply order dated 20.04.2017 when the petitioner once has surrendered his right before the competent authority pursuant to the order dated 20.04.2017, order passed in CWP has spent its force as and when he submitted his explanation to the notice. Therefore, question of issuance of time bound direction under the review proceedings is not maintainable. Therefore, he has fresh cause of action. Accordingly, review application stands rejected reserving liberty to the petitioner to approach the appropriate authority in accordance with law.

24.11.2017

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons: Yes/No

Whether Reportable: Yes/No