

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

RA-CW No. 233 of 2013 (O&M)
IN CWP No. 4088 of 2012

Date of decision: 7.9.2018

Ramesh Chand

.... Applicant

VS

The Government of Haryana and others

.... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Atul Kaushik, Advocate, for the applicant.
Mr. Ankur Mittal, Additional Advocate General, Haryana.
Mr. Ashutosh Kaushik, Advocate, for respondent no.7.

Rajesh Bindal, J.

Review of the order passed by this Court on 22.4.2013 has been sought by the writ petitioner.

The writ petition challenging promotions granted to respondent no.7, was dismissed. The grievance raised by the applicant in the writ petition was that after marrying with a person belonging to Scheduled Caste category, respondent no.7, who belonged to General category, was not entitled to any benefit of reservations after the judgment of Hon'ble the Supreme Court in Mrs. Valsamma Paul vs Cochin University and others AIR 1996 SC 1011.

It is stated by learned counsel for the review applicant that respondent no.7 was granted promotions giving benefit of reservation even after the judgment of Hon'ble the Supreme Court in Mrs. Valsamma Paul's case (supra). The facts were not properly projected when the writ petition

was decided. In an enquiry made under the Right to Information Act, 2005, it was revealed that respondent no.7 was promoted five times in the years 2002, 2006, 2008, 2009 and 2011, while granting her benefit of reservation, hence, the order deserves to be reviewed, as the writ petition was dismissed noticing that respondent no. 7 did not get any benefit of reservation after the judgment of Hon'ble the Supreme Court in Mrs. Valsamma Paul's case (supra).

On the other hand, learned counsel for respondent no.7 submitted that the writ petition was filed to settle personal vendetta, as the review applicant is the person, who is related to the family of her husband. They have strained relations. The benefit of reservation was granted to her on the basis of caste certificate issued way back on 7.4.1993. The same has not been withdrawn till date. It is not under challenge even in the writ petition. While referring to judgment of Hon'ble the Supreme Court in SLP (Civil) No. 3314 of 2010 Dattu vs State of Maharashtra and others, decided on 7.12.2011 and judgment of Chhattishgarh High Court in Writ Petition No. 1195 of 2012 Chandra Shekhar Kotriwar vs State of Chhattishgarh and others, decided on 8.4.2013, it was submitted that the benefit granted to an employee on the basis of a caste certificate issued already without any concealment of his/her part, cannot be withdrawn, though for future no benefits were admissible.

Further reference was made to judgment of Hon'ble the Supreme Court in Neetu vs State of Punjab and others AIR 2007 SC 758 to state that a public interest litigation is not maintainable in the service matters where no specific relief is claimed in the writ petition. The case pleaded in the writ petition is that the writ petitioner is not seeking any

benefit for himself, rather it is for the benefit of reserved category community so that deserving candidates can get the reservation.

In fact, the writ petitioner was senior to respondent no.7 throughout her service carrier. Respondent no.7 has already retired from service after attaining the age of superannuation in November, 2017. Hence, the prayer is for dismissal of the review application.

After hearing learned counsel for the parties, I do not find any merit in the review application considering the fact that no personal grievance has been raised by the petitioner in the writ petition rather he claimed relief for the benefit of reserved community as such and further respondent no.7 has already retired from service on attaining the age of superannuation in November, 2017.

The Review Application and the accompanying applications are dismissed.

7.9.2018
vs

(Rajesh Bindal)
Judge

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