

**CM No.10921-C of 2014 in/and  
R.A.No.49-C of 2014 in  
RSA No.2680 of 2009 (O&M)**

**#1#**

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

**CM No.10921-C of 2014 in/and  
R.A.No.49-C of 2014 in  
RSA No.2680 of 2009 (O&M)**

Haryana Urban Development Authority and Anr.

....Appellants

Versus

Gian Chand Arora

....Respondent

**Date of Order: 24.4.2018**

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Vishal Garg, Advocate for the appellants/applicants.

Mr. R.D. Gupta, Advocate for the respondent.

**AMIT RAWAL, J (ORAL)**

Present review application has been filed for recalling of order dated 28.10.2013 passed by this Court whereby the appeal bearing RSA No.2680 of 2009 accompanied by application seeking condonation of 792 days delay in filing the appeal was dismissed on the ground of delay only. Present review application is also accompanied by application seeking condonation of 256 days' delay in filing the review application.

Learned counsel for the applicants-appellants submitted that the time spent during the period of action being taken against the delinquent officials was part and parcel of the second appeal, therefore no error could be found in this process and the delay caused is not deliberate but bonafide. Had these facts been brought to the notice of the Court, then the delay

would have been condoned and the appeal would be heard on merits.

On the other hand, learned counsel for the respondent-plaintiff submitted that the conduct of the applicants in filing review application accompanied by delay application itself reveals that they had been negligent in pursuing the matter and such delay should not be condoned by the stamp of the Court otherwise every Department would be pursuing the litigation at their own sweet will. On merits, he submitted that the entire amount of arrears and statutory interest has been deposited, therefore, no useful purpose would be served in recalling the order and re-agitating the matter. He, thus prayed for dismissal of the review application as also application seeking condonation of delay.

After hearing learned counsel for the parties and appraising the paper book, I find no merit in the present application. The parameters for filing review application are no longer res integra but no such plausible reason has been explained before this Court to recall the order.

It is conceded position on record that the regular second appeal was filed with 792 days's delay. Even if this Court had noticed of the decision of purported action against the delinquent employee in not filing the appeal within the statutory period of limitation, no useful purpose would have been served because it was incumbent upon the appellants-HUDA to take action against the aforesaid delinquent official.

I refrain myself from expressing about the conduct of the employee concerned in filing the review application, which is accompanied by an application seeking condonation of 256 days delay. Moreover, the grounds mentioned therein lack any cogent explanation in this regard.

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**#3#**

No ground for interference is made out.

Present review application is dismissed on merits as also on  
delay.

**April 24, 2018  
manoj**

**^(AMIT RAWAL)  
JUDGE**

Whether speaking/reasoned: Yes/No  
Whether Reportable : Yes/No