

CMs-9258-60-CWP-2018 in/and
RA-CW-126-2018 in
CWP-17743-2014

M.C. Gupta Vs. State of Haryana and others

Present: Mr. G.S. Wasu, Advocate for review
applicants/respondent No.3.

CM-9258-CWP-2018

Application for presenting condonation of delay in filing the review application are taken on record.

CM stands allowed as prayed for subject to all just exceptions, for the reasons stated in the application as well as affidavit.

CMs-9259-60-CWP-2018

Review application has been filed for reviewing the order dated 16.01.2017. Review application was presented on 14.12.2017. Even though author of the review application was aware that there is a delay in presenting the review application. However, condonation of delay application was not accompanied while presenting the review application. When the review application was listed for the purpose of admission, it was noticed that there was a delay. Consequently, learned counsel for the review applicant sought time to file condonation of delay application. Accordingly, time was granted. Condonation of delay of 304 days application is filed on 09.07.2018 so also filing delay application of 143 days in refiling the review application on 04.7.2018. Learned counsel for the review applicant contended that there is a delay of 304 days in filing the review application for the reasons stated in para 2 and 3 of the application. It is to be noted that reasons are only relating to tossing of the file from one

organization. Review applicants are part and parcel of the State and they are aware of the limitation in respect of presenting review application. If their intention is to file review application they could have prepared and presented the review application on war-footing basis. One can understand if a common man files a review application and if there is any delay. Here is State who are aware of the limitation, therefore, merely stating that file was processed from one Department to another Department or from one organization to another organization, consequently, delay of 304 days cannot be condoned which is almost 10 months. That apart conduct of the petitioner is that at the time of filing review application, it is not support by condonation of delay application. Only when the Court made an observation that review application is not supported by condonation of delay application then the counsel realized that review application should have been supported by condonation of delay application. Consequently, he took time and presented the condonation of delay application as well as refiling. In view of these facts and circumstances, review applicant has not made out a case to condone delay of 304 days for the purpose of entertaining review application.

Accordingly, both the applications are hereby dismissed.

RA-CW-126-2018

In view of the order passed in the condonation of delay applications, present review application do not survive for consideration.

Accordingly, review application stands dismissed.

(P.B. BAJANTHRI)
JUDGE

July 09, 2018.
sandeep