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RA-CW-178-2018 (O&M)in
CWP-3152-2016

SANTOSH KUMARI AND OTHERS
VS
STATE OF HARYANA & OTHERS

Present: Mr.R.K.Doon, AAG, Haryana
for the review-applicant.

Mr.Balkar Singh, Advocate for the non-applicants.

CM-9344-CWP-2018

This is an application for condonation of delay of 372 days in filing the review application. Heard. In view of the reasons mentioned in the application and affidavit, same is allowed.

Delay of 372 days in filing the review application is condoned.

RA-CW-178-2018 (O&M)

Learned State counsel-review applicant fairly submitted that there is no error in the order dated 22.05.2017. In view of the aforesaid submission, question of entertaining review-application do not arise as there is no error apparent on the face of the record. Accordingly, review application stands dismissed.

At this stage, learned counsel for the review-applicant submitted that against order dated 22.05.2018 applicant-state had preferred LPA No. 2182 of 2017 which was disposed of on 30.01.2018 with the following observation:-

“The grievance raised by learned counsel for the appellants in the present intra court appeal is that the learned Single Judge has not considered the Haryana Industrial Training and Vocational Education Department, Field Offices (Group C) Service Rules,

1998 which were repealed and replaced by 2013 Rules vide Notification dated 4th January, 2013. Even the writ petitioners in their petition had also referred to 1998 rules which had already been repealed. There is no doubt that in the pleadings filed by the State specific reference to these facts was not there but still as the order has been passed referring to the 1998 rules, which according to learned counsel for the State stood repealed with 2013 rules, in our opinion, the issue is required to be considered by the learned Single Judge in that light, hence we dispose of the appeal giving liberty to the State to firstly avail the remedy of review before the learned Single judge.

Ordered accordingly.”

When LPA Bench has given liberty to the review-applicant to file review-application and the fact that review applicant could not point out any error in the order dated 22.05.2017. Therefore, question of entertaining review application in the absence of error apparent on the face of the record with reference to application under Section 114 and Order 47 Rule 1 of CPC do not arise.

14.09.2018

pooja saini

(P.B.BAJANTHRI)
JUDGE