

**RA-CW-309-2018 (O&M) in
CWP-28542-2017**

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

**RA-CW-309-2018 (O&M) in
CWP-28542-2017
Date of decision-06.10.2018**

Balbir Singh

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Anju Sharma Kaushik, DAG, Punjab.

JITENDRA CHAUHAN, J. (Oral)

The instant application on behalf of the respondent-State is for review of the order dated 10.07.2018 that the petitioner never brought to the notice of the respondents the factum of his disability.

The non-applicant/petitioner filed the writ petition for claiming benefit of 2 years' extension in service available to the physically disabled persons. During the pendency of the petition, the petitioner was allowed extension in service for two years. Therefore, vide order dated 10.07.2018, the writ petition was disposed of as having been rendered infructuous.

The review application has been filed on the ground that the factum of disability of the petitioner was never communicated to the respondents. The Court has also recorded this fact in order dated 10.07.2018, that the records of the petitioner were silent on the issue of disability, however, the respondents have allowed the extension in service to

the petitioner. Now, the call is on the respondents to take necessary action, if any, as per law.

Hon'ble the Supreme Court in “**Kamlesh Verma Vs. Mayawati and others**”, 2013 (4) SCC (CrI) 265, has summed up the law with regard to review of the judgment when the Review will be maintainable:-

- i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;
- (ii) Mistake or error apparent on the face of the record;
- (iii) Any other sufficient reason.
- (iv) The words “any other reason” mean “a reason sufficient on grounds at least analogous to those specified in the rule”.

When the review will not be maintainable:-

- (i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.
- (ii) Minor mistakes of inconsequential import.
- (iii) Review proceedings cannot be equated with the original hearing of the case.
- (iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.
- (v) A review is by no means an appeal in disguise whereby an erroneous decision is re-heard and corrected but lies only for patent error.
- (vi) The mere possibility of two views on the subject cannot be a ground for review.
- (vii) The error apparent on the face of the record should not be an error which has to be fished out and searched.
- (viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be

permitted to be advanced in the review petition.

In view of the above, no case for interference is made out in order dated 10.07.2018.

The review application is also suffers from delay of 77 days which has not been sufficiently explained.

In view of the above, the review application stands is dismissed on merits as well as on delay.

Dismissed.

06.10.2018

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**(JITENDRA CHAUHAN)
JUDGE**

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