

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

RA No.37 of 2019 in

CWP No.9350 of 2013

Date of Decision:-08.07.2019

Ram Kanwar.

.....Applicant/Petitioner.

Versus

Union of India & Ors.

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE LALIT BATRA**

Present:- Dr. B.B. Kaushik, Advocate for the applicant/Petitioner.

JASWANT SINGH, J.

This is an application filed by applicant-petitioner-Ram Kanwar, seeking review of the order dated 02.05.2013, whereby his writ petition was ordered to be dismissed with a liberty to approach the competent authority in case any period still remains for regularization.

Learned Counsel for the petitioner, while relying upon order dated 04.07.2018 passed in SLP (Civil) 9807 of 2018 titled as “*Ram Kanwar Vs. Union of India*” has argued that the petitioner had preferred Special Leave Petition before the Hon'ble Supreme Court against the order dated 02.05.2013, which was ordered to be

withdrawn with a liberty to approach this Court seeking review of the

order. It is next argued that this Court, while dismissing the writ petition had not considered the fact that petitioner is entitled for benefit of 245 days which was wrongly not considered by the authority concerned as a period of regular service, although petitioner had 270 days of leave along with 561 days of Half Pay Leave. It is therefore argued that the instant application be allowed and the matter be heard on merits. Petitioner is entitled for the benefit of 245 days absence period, which in any case is not attributable to him.

We have heard Counsel for the petitioner at length and have perused the paper book. However, we are of the opinion that the instant application is devoid of any merit.

The parameters for exercising powers for reviewing an order are very limited. We can review an order in case material facts have been ignored by the Court while passing the order. However, no such fact has been shown to us that has either not been considered or ignored while passing the order dated 02.05.2013. In fact both the arguments of petitioner i.e. considering absence period towards 'leave of kind due' and that of absence not being attributable to petitioner, have been considered and thereafter rejected by the Court. Once that is so, we do not find any reason to accept the instant review application.

Another factor that weighed in our mind, while considering the review application was the huge delay in approaching this Court. In our view this delay of more than 5 years is sufficient for us to decline petitioner-applicant for grant of relief, if any. It is seen that

after more than 5 years petitioner-applicant woke from his slumber to approach the Hon'ble Supreme Court and then himself withdrew the petition with liberty to approach this Court in order to file review. To our mind, even though liberty has been granted by the Hon'ble Supreme Court to file review application, the issue of delay and laches is still required to be gone into. A perusal of the application shows that no reason has been given as to why petitioner did not approach the Supreme Court earlier or as to why he kept on sitting over the judgment passed by this Court on 02.05.2013. Although the application has been filed in a writ petition, still inordinate and unexplained delay cannot be permitted to be ignored. It is seen that the application is bereft of material particulars on all counts.

Consequently, finding no merit in the instant review application, same is hereby dismissed.

(JASWANT SINGH)
JUDGE

(LALIT BATRA)
JUDGE

July 08, 2019
Vinay

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