

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

CM-459-LPA-2019 in/and

LPA-1748-2018 (O&M)

Date of decision:- 04.02.2019

Ombir

...Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. Sunil Sihag, Advocate,
for the appellant.

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KRISHNA MURARI, C.J. (ORAL)

CM-459-LPA-2019

Cause shown for non-appearance in restoration application is found to be sufficient and order dated 10.12.2018 is recalled.

The appeal stands restored to its original number.

CM-4531-LPA-2018

For the reasons mentioned in the application, the delay of 732 days in filing the appeal is condoned.

The application stands disposed of.

LPA-1748-2018

This intra court appeal under clause X of the Letters Patent is directed against the judgement dated 09.08.2016 passed by learned Single Judge dismissing the writ petition filed by the petitioner (appellant herein) as well as the order dated 09.08.2018 dismissing the application seeking review of the said order.

2. We have heard learned counsel for the appellant.

3. Writ petition was filed by the appellant seeking the following main reliefs:-

(i) Issuance of a writ in the nature of mandamus directing the respondents to declare the final result and written result category wise of various posts of clerk against the advertisement No. 7C/CRA/HR/2012 on dated 01.12.2012 total posts of 790 total number of vacancies 790 (subject to variation on both sides) and disclose the marks of petitioner from written test which was held on dated 24.03.2014 (Haryana Court) for clerks and result declared dated 29.05.2013.

(ii) Any other writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

4. Learned Single Judge finding that the result declaration of which was being sought in the writ petition was out on 29.05.2013 and the petitioner had secured less than the minimum qualifying marks dismissed the petition. Against the said order, a review application was filed by engaging a new counsel. Again, learned Single Judge relying upon the law laid down by the Hon'ble Apex Court in the case of *Tamil Nadu Electricity Board Vs N. Raju Reddiar and another*, 1997(9) SCC 736, wherein it has been held that review application filed by counsel other than the one who filed the original proceedings is not maintainable, dismissed the same.

5. Learned counsel for the appellant contends that in view of the averments made in the written statement filed on behalf of the department in the writ petition, it was incumbent upon the learned Single Judge to have considered the issue on merits with respect to the claim of the appellant who had

applied under the reserved category of physically handicapped person.

6. The petition is to be decided on the basis of pleadings made therein and it is clear from a perusal of the reliefs claimed in the writ petition quoted hereinabove that a prayer was only made for declaration of the result and the same was also declared. We do not find any infirmity in the judgement of the learned Single Judge dismissing the writ petition. In so far as the review application is concerned, the same has been dismissed in accordance with law laid down by the Hon'ble Apex Court to which no exception can be taken. Thus, in view of the above facts and discussion, no good ground exists for interference in the impugned order.

7. The appeal is devoid of merits and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

04.02.2019

Amodh

whether speaking/reasoned	Yes/No
whether reportable	Yes/No