

227 **CM-9112-CWP-2017**
RA-CW-345-2017 in CWP-9327-1999

YASH PAL RAI SHARMA
V/S
THE FINANCIAL COMMISSIONER TO THE GOVT.
OF PUNJAB AND OTHERS

Present: Ms. Sunint Kaur, AAG, Punjab,
 for the applicant.

 Ms. Bhupinder Kaur, Advocate,
 for the non-applicants/petitioners No. 5 and 16.

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Present application has been filed for condoning the delay of 1422 days in filing the review petition for the review of the order dated 05.08.2013 passed by this Court.

The reason given for the filing the review application and for condonation of delay application by the State is that the order dated 05.08.2013 was passed by this Court by placing reliance upon the judgment of the Division Bench in CWP No.4995 of 1997, which judgment had already been set aside by the Hon'ble Supreme Court of India in Civil Appeal No.129 of 2003, decided on 11.08.2005 titled as State of Punjab and others Vs. Amar Nath Goyal and others but the said fact was not in the knowledge of the counsel who had argued the said writ petition on behalf of the State.

The respondents have given the reasons for condonation of delay in the application and the reasons are supported by an affidavit.

Keeping in view the facts given by the respondents for condonation of delay which is duly supported by an affidavit, the application for condonation of delay is allowed subject to payment of Rs.5000/- each to all the four petitioners who were allowed the benefit by

the judgment which is under review as the case of the other petitioners was allowed by the Court vide order dated 05.08.2013 but still, the matter remains pending before this Court in the form of the review petition, which is attributable to the respondents.

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Learned counsel for the review-petitioner argues that on the date when the order was passed by this Court i.e. 05.08.2013 by placing reliance upon the order passed by the Division Bench in CWP No.4995 of 1997, the said order had already been set aside by the Hon'ble Supreme Court of India in Civil Appeal No.129 of 2003, decided on 11.08.2005 titled State of Punjab and others Vs. Amar Nath Goyal and others and therefore, the said order is per incuriam and is liable to be reviewed.

Counsel for the petitioner is not able to rebut the said factual aspect and rather admits the same.

In view of the above, the order dated 05.08.2013 by which the writ petition was allowed qua petitioners No. 2, 5, 7, 8 and 16, is recalled and the writ petition is restored to its original number and status.

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To come up on for arguments on 06.11.2019.

Let the cost as imposed be paid by the State to the concerned petitioners before the next date of hearing.

August 27, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE