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CM-9301-CWP-2018, RA-CW-175-2018 IN CWP-8365-2016

BALBIR SINGH V/S STATE OF HARYANA AND ANR

Present: Mr. Sharad Aggarwal, AAG, Haryana
for the applicant-respondents.

Mr. Narender Bhukal, Advocate for
Mr. Parveen Chauhan, Advocate for non-applicant/petitioner.

CM-9301-CWP-2018

This is an application under Section 5 of the Limitation Act, seeking condonation of delay of 47 days in filing the accompanying review application.

Notice of the application was issued to the non-applicant/petitioner but no reply has been filed thereto.

For the reasons set out in the application which are duly supported by an affidavit, the same is allowed. Consequently, the delay of 47 days in filing the accompanying review application is condoned.

RA-CW-175-2018

This is an application under Order XLVII Rule 1 of CPC seeking review of the order dated 15.03.2018, vide which the writ petition preferred by the non-applicant/petitioner was disposed of in terms of the order of an even date passed in **CWP No.7767 of 2016 (Birender Singh and others Vs. State of Haryana and others)** and other connected matters.

It would be apposite to refer to the operative part of the order and judgment dated 15.03.2018, in the case of **Birender Singh and others**

(supra), which reads thus:-

“But, there indeed has been a significant development during the pendency of these petitions, for, the respondents have accepted the claim of the petitioners. And a decision has been reached to award ACP scale to the petitioners from the date of their initial appointments. In case of a few of the petitioners, even the necessary orders have since been passed. Learned State counsel submits; that formal orders as regards each of the petitioner shall be issued and communicated, within four weeks from today. And, the consequential benefits, if any, shall also be released. That being so, learned counsel for the petitioners submit that these petitions have been rendered infructuous, and be disposed of as such.

The petitions are accordingly disposed of in the above terms.”

The short ground upon which review of the order dated 15.03.2018, is being sought is: in the index of the writ petition preferred by the non-applicant/petitioner and against the column: similar case, **CWP No.7767 of 2016**, was/is mentioned and resultantly it was ordered to be heard therewith, vide order dated 03.05.2016. Whereas, the issues involved in both the matters were distinctly different and even the petitioners in both the matters were employed in different departments. Further, since none had caused appearance on behalf of the petitioner to clarify this position on

15.03.2018, the matter was disposed of with another bunch of petitions including **CWP No.7767 of 2016**.

Notice of this application was issued to the non-applicant/respondents, but no reply has been filed thereto. In fact, learned counsel for non-applicant/respondents concedes, for, in the matter at hands, order dated 07.12.2015, was assailed whereby recovery of Rs.1,33,089/- was affected and had nothing in common with the other matters, it was required to be heard separately. He regrets the lapse.

In the wake of the above, the application is allowed. Consequently, the order dated 15.03.2018, in CWP No.8365 of 2016, is recalled, and the writ petition is restored to its original number.

CWP-8365-2016

To be listed as per roster.

(ARUN PALLI)
JUDGE

08.02.2019

Manoj Bhutani