

LAKHAN VERMA AND ORS
V/S
INSTITUTE OF BANKING PERSONNEL SELECTION

Present : Mr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Aayush Gupta, Advocate, for the applicant.

Mr. Kapil Kakkar, Advocate, for the non-applicant/petitioners.

CM-12516-CWP-2018

For the reasons stated in the application, the same is allowed.

Delay of 114 days in filing the review application is condoned.

RA-CW-235-2018

This is an application under Order 47 Rule 1 read with Section 151 of CPC for review of an order dated 19.02.2018 passed by my brother Mr. P.B.Bajanthri, J (as he then was in this Court), who was at the relevant time seized of the case.

Learned senior counsel appearing for the applicant submits that learned Judge wrongly observed, while passing order dated 19.02.2018, that the matter is squarely covered by decision passed in CWP-8610-2014 decided on 07.07.2017 and disposed of the writ petition in terms of the order passed in CWP-8610-2014.

Per contra, learned counsel appearing for the non-applicant/petitioner submits that not only the ground of review amounts to reopening the issue on merits of the case but even otherwise the order sought to be reviewed was passed by the learned Judge after giving due opportunity to the respondents as reflected from order dated 24.01.2018 read with order dated 05.02.2018 directing the applicant/respondent in the writ petition to verify whether the case of the non-applicant/petitioner is

covered by the orders passed in CWP-8610-2014. It was after granting due opportunity and having heard the learned counsels on both sides that this Court gave a clear finding that the matter is squarely covered by decision passed in CWP-8610-2014 decided on 07.07.2017. He further submits that a perusal of the review application shows that the same has not been filed on the ground envisaged under Order 47 Rule 1 CPC as there is neither any error apparent on record nor there is any new development or the existing developments, which were not in the knowledge of the respondents at the time of addressing the arguments when the writ petition was disposed of.

I am in agreement with the submissions of learned counsel for the non-applicant/petitioner. Under review jurisdiction, this Court cannot assume the power of an Appellate Court.

Review application is, accordingly, dismissed.

(ARUN MONGA)
JUDGE

02.09.2019
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