

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

**CM-18903-CWP-2022
in/and RA-CW-271-2022 in
CWP-13220-2021
Decided on :16.12.2022**

Ishwar DeviApplicant-review/petitioner(s)

Versus

Union of India & othersRespondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE KARAMJIT SINGH**

Present: Mr.A.P.Singh, Advocate for the applicant-review/petitioner.

Ms.Puneeta Sethi, Senior Panel Counsel, for UOI.

G.S. Sandhawalia, J. (Oral)

CM-18903-CWP-2022

Application for condonation of delay of 232 days in refiling the review application, is allowed, in view of the averments made in the application duly supported by affidavit of the counsel. Delay of 232 days in refiling the review application is hereby condoned.

CM stands disposed of.

RA-CW-271-2022 in CWP-13220-2021

The present review application has been filed for reviewing the order dated 14.09.2021 passed in CWP-13220-2021.

The writ petition was dismissed vide a detailed order keeping in view the fact that there was embezzlement on account of which departmental proceedings were initiated and charge had been framed. The Central Administrative Tribunal had dismissed the Original Application.

Accordingly, we are of the considered opinion that an attempt has been made only to reargue the matter which is not within the limited purview of review jurisdiction. It is also to be noticed that the applicant was criminally prosecuted by lodging of the FIR which led to her acquittal on untenable ground that the review-petitioner could not be prosecuted twice, by way of dismissal from service and also by way of criminal prosecution. In such circumstances, we do not feel that where there is a case of misappropriation, the person can be put back in service or granted any benefit, as contended even if she had long years of service.

Accordingly, in view of the above discussion, the present review application is hereby dismissed.

(G.S. SANDHAWALIA)
JUDGE

16.12.2022
sailesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable Yes/No