

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

112+231

**CM-9241, 9242 & 9702-CWP-2022;
CM-7142-CWP-2019 in/and
RA-CW-215-2019 in CWP-1483-2016
Decided on : 11.07.2022**

Dr. Jiteshwar Kumar Pandey

.....Review applicant/Petitioner(s)

Versus

Union of India and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE VIKAS SURI**

Present:- Applicant/petitioner in person.

Ms. Jyotika Panesar, Advocate for the respondents.

G.S. Sandhawalia, J. (Oral)

CM-9241-CWP-2022

Application for grant of leave to filing the present case without number of roll of Advocate, is allowed.

CM stands disposed of.

CM-9242-CWP-2022

Application for placing on record affidavit on behalf of respondent No.2, is allowed, subject to just exceptions. Affidavit is taken on record. Office to append the same at the relevant place.

CM stands disposed of.

CM-9702-CWP-2022

Application for placing on record counter affidavit on behalf of the petitioner and exemption from filing the true typed and more legible copies of Annexures P-41 to P-47, is allowed, subject to just exceptions. Counter affidavit alongwith Annexures P-41 to P-47 is taken on record. Office to append the same at the relevant place.

CM stands disposed of.

CM-7142-CWP-2019 in/and RA-CW-215-2019

In compliance of the last order the demand draft for a sum of Rs.10,000/- has been handed over to the petitioner. Photocopy of the same has been placed on the record.

The present review application has been filed for seeking review of the judgment dated 25.01.2016 passed by the Coordinate Bench, which had refused to interfere in the order dispensing with the services of the petitioner on account of the fact that it was done during the probation period. Application for condonation of delay of 1176 in filing the review application has also been filed.

The reasoning given in the application for condoning the delay is that the applicant/petitioner had approached the PMO to take action and, therefore, the applicant/petitioner's termination of service was under progress since the year 2016 at the Ministry level. It has also been mentioned in the application that the Ministry of Food Processing had communicated the applicant/petitioner that he had already exhausted all his available legal remedies even to approach the Apex Court and, therefore, the delay as such was sought to be condoned.

The application has been opposed by filing reply. It is pointed out that the applicant/petitioner has come out with new grounds in the review application, which were not taken in the first round of litigation and order has already been upheld by the Apex Court, which was sought to be reviewed. The applicant/petitioner has submitted a representation to the Minister for Food Processing Industries, but that would not give him a reason as such to get over the delay of 1176 days, which is intentional. The review application has also been opposed.

The applicant/petitioner has sought to re-argue the issue on merits questioning the termination order issued by the Registrar of the University, which is simpliciter on account of dispensing his service during the probation period, as per the terms of the appointment letter.

Vide reply filed today, the respondent/Union of India has placed on record the options as such given to the Vice-Chancellor by the Registrar to act on the issue of dispensing with the services of the petitioner. It is a matter of record that the Vice-Chancellor had proposed on 31.12.2015 that the services of the applicant/petitioner be dispensed with in accordance of Clause 5 of the appointment letter. The said fact had already been considered by the Coordinate Bench, which had dismissed the writ petition, which as noticed above has been upheld by the Apex Court on 31.03.2017 in **SLP (C) No.6006 of 2016** (Annexure P-2).

Keeping in view the above, we are of the considered opinion that an effort has been made to re-argue the matter, which is not permissible and it would not come under the purview of review jurisdiction. Accordingly, there is no merit in the review application and the same stands dismissed alongwith the application for condoning the delay of 1176 days for which no sufficient cause has been shown to grant the necessary indulgence.

(G.S. SANDHAWALIA)
JUDGE

(VIKAS SURI)
JUDGE

July 11, 2022
Naveen

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No