

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

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**CM-1567 & 1568-LPA-2022 in/and
RA-LP-16-2022 in EA-22-2020 in
LPA-1682-2016
Decided on : 26.08.2022**

Chander Mohan Bhatnagar

... Applicant/Appellant

Versus

Haryana State Council For Child Welfare and others

... Respondents

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

Present: Mr. Abhilaksh Grover, Advocate for the applicant/appellant.

G.S. Sandhawalia, J. (Oral)

Application under Order 47 Rule 1 & 2 read with Section 151 CPC has been filed for reviewing of the order dated 18.02.2022 alongwith applications for condonation of delay of 85 days in re-filing and 18 days in filing the same. The claim in the application now is that a sum of Rs.81,16,164 is payable as per the fresh calculations made.

It is not disputed that the order which is now sought to be reviewed was passed in an execution application which was allowed and the respondent-Council was directed to pay Rs.16,03,612/- alongwith interest @ 6% per annum from 01.10.2018, in view of the earlier directions dated 25.07.2018. It is also not disputed that the said sum has been received by the applicant.

It is further pertinent to notice that the amount directed to be paid was on the basis of the calculations made in the execution application filed by the applicant himself. The claim of the respondent employer was that the execution was not maintainable and that there were no directions regarding the payment as per the 7th Pay Commission.

The same were repelled by the order which is now sought to be reviewed by holding that this Court had the jurisdiction and by accepting the amount which was claimed in the execution application. Rather a sum of

Rs.31,05,759/- had been claimed as per Annexure A-8 and a sum of Rs.15,02,147/- had only been paid, due to which directions were issued to pay the balance.

Resultantly, a finding was recorded that once the averment had not been denied by the respondent-Council on the ground that there was no direction regarding the claim of payment for the 7th Pay Commission and it was held that once similar benefits have been given to all employees after 01.01.2016, the applicant could not be put to different terms. In such circumstances, the execution application was allowed as per the calculations of the applicant himself and the payment has admittedly been made.

Review application, thus, cannot be accepted, as it is only an attempt to garner more from the employer by continuing the litigation, once the benefit had been granted. In such circumstances, we are of the considered opinion that no case is made out for even entertaining the application and issuing notice to the other side. Accordingly, review application is dismissed in limine. Since no ground is made out to entertain the review application, applications for condonation of delay of 85 days in re-filing and 18 days in filing the same are also dismissed.

(G.S. SANDHAWALIA)
JUDGE

(VIKAS SURI)
JUDGE

August 26, 2022
Naveen

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No