

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

105

**RA-CW-214-2022 (O&M)
in CWP-14712-2022
Decided on : 11.11.2022**

Krishan Kumar

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

Central Administrative Tribunal and others

..... Respondent(s)

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

Present: Mr. Neeru Bansal, Advocate, for the review applicant/petitioner.

G.S. Sandhawalia, J. (Oral)

CM-15257-CWP-2022

Application for condonation of delay of 14 days in filing the present review application, is allowed, in view of the averments made in the application, duly supported by affidavit. Delay of 14 days in filing the review application is condoned.

CM stands disposed of.

RA-CW-214-2022

Review of order dated 03.08.2022 is sought for by a counsel who had not appeared at the earlier point of time. Reliance is placed upon an order dated 18.06.2021 (Annexure A-2) to submit that similarly situated persons had been granted the benefit of appointment by the respondents.

Counsel very fairly admitted that the document (Annexure A-2) which has now relied upon was never part of the earlier record. Therefore, we are of the considered opinion that the order which is sought to be reviewed, which was passed in the presence of the earlier counsel, was on the basis of the material already available. No illegality or irregularity has been pointed out from the order which is now sought to be reviewed. Something new is sought to be brought on record and argued, which in our considered opinion would not fall under the principles which are laid down for review of an order.

Even otherwise, the Apex Court in **T.N. Electricity Board and another Vs. N. Raju Reddiar and another, 1997 AIR (SC) 1005** has held that filing of review application through a new counsel is not permissible. The said judgment reads as under:-

“It is a sad spectacle that new practice unbecoming of worthy and conducive to the profession is cropping up. Mr. Mariaputham, Advocate-on-Record had filed vakalatnama for the petitioner-respondent when the special leave petition was filed. After the matter was disposed of, Mr. V. Balachandran, Advocate had filed a petition for review. That was also dismissed by this Court on April 24, 1996. Yet another advocate, Mr. S.U.K. Sagar, has now been engaged to file the present application styled as "application for clarification", on the specious plea that the order is not clear and unambiguous. When an appeal/special leave petition is dismissed, except in rare cases where error of law or fact is apparent on the record, no review can be filed; that too by the advocate on record who neither appeared nor was party in the main case. It is salutary to not that court spends valuable time in deciding a case. Review petition is not, and should not be, an attempt for hearing the matter again on merits. Unfortunately, it has become, in recent time, a practice to file such review petitions as a routine; that too, with change of counsel, without obtaining consent of the advocate on record at earlier stage. This is not conducive to healthy practice of the Bar which has the responsibility to maintain the salutary practice of profession. In Review Petition No.2670/96 in CA No.1867/92, a Bench of three Judges to which one of us, K. Ramaswamy, J., was a member, has held as under:

"The record of the appeal indicates that Shri Sudarsh Menon was heard and decided on merits. The Review Petition has been filed by Shri Prabir Chowdhury who was neither an arguing counsel when the appeal was heard nor was he present at the time of arguments. It is unknown on what basis he has written the grounds in the Review Petition as if it is a rehearing of an appeal against our order. He did not confine to the scope of review. It would be not in the interest of the profession to permit such practice. That part, he has not obtained " No Objection

Certificate" from the Advocate-on-Record in the appeal, in spite of the fact that Registry had informed him of the requirement for doing so. Filing of the "No Objection Certificate" would be the basis for him to come on record. Otherwise, the Advocate-on-Record is answerable to the Court. The failure to obtain the "No Objection Certificate" from the erstwhile counsel has disintitiled him to file the Review Petition. Even otherwise, the Review Petition has no merits, It is an attempt to reargue the matter on merits. On these grounds, we dismiss the Review Petition".

2. Once the petition for review is dismissed, no application for clarification should be filed, much less with the change of the advocate-on-record. This practice of changing the advocates and filing repeated petitions should be deprecated with heavy had for purity of administration of law and salutary and healthy practice.

3. The application is dismissed with exemplary costs of Rs.20,000/- as it is an abuse of the process of court in derogation of healthy practice. The amount should be paid to the Supreme Court Legal Aid Services Committee within four months from today. If the amount is not paid, it should be recovered treating this direction as decree of the Court by the Supreme Court Legal Services Committee. The Registry is directed to communicate this order to the Supreme Court Legal Service Committee. Application dismissed."

In such circumstances, we do not find any merit in the present review application and the same is dismissed.

(G.S. SANDHAWALIA)
JUDGE

(VIKAS SURI)
JUDGE

11.11.2022
Naveen