

225

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RA-CW-239-2017 in
CWP-7110-2017
Date of decision: 27.04.2022

INDRA NATH JHA

...Petitioner

VERSUS

BETHANI EDUCATIONAL SOCIETY AND ORS.

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Petitioner in person.

Mr. Rajan Bansal, Advocate
for respondent Nos.2 and 3.

JAISHREE THAKUR, J. (Oral)

The instant review application has been filed against order dated 19.04.2017 passed in CWP No.7110 of 2017, on the grounds that the petitioner had raised two pleas in the writ petition i.e. first against the show cause notice issued dated 09.02.2017 (Annexure P-7), whereby the petitioner was suspended along with memorandum of charges served upon him and the other plea raising that he would be entitled to be paid salary equivalent to one Dev Anoop-respondent No.5, who is contemporary in the school where they were working.

The writ petition had been argued by learned Senior counsel engaged on behalf of the petitioner and when the matter was argued on

05.04.2017, the thrust of the argument was that the impugned show cause notice issued is by a person who is not competent to do so. Notice of motion was issued on 05.04.2017 returnable by 19.04.2017, on which date Mr. Rajan Bansal, Advocate put in appearance on behalf of respondent Nos.2 and 3 stating that the suspension order and the memorandum of charges as initiated by the Principal have since been dropped. On the basis of this statement made, the petition was disposed of as having become infructuous. Immediately thereafter, the petitioner put in appearance in person and filed a review application on 04.05.2017, pleading that one of the prayers made in the writ petition had not been dealt with. While issuing notice of motion in the review application, this Court had made a specific note that at the time of addressing arguments, no such contention was raised regarding equivalence of pay as was sought to be agitated in the review application.

Mr. Indra Nath Jha, petitioner appearing in person, would submit that his services have been terminated on 30.11.2017 and against the said termination, he has already filed a petition bearing CWP No.15410 of 2018 and that matter is ordered to be listed for hearing along with the instant application.

The question is whether order dated 19.04.2017 is to be reviewed and the writ petition revived for consideration afresh ? As noted in order dated 04.05.2017, petitioner had not raised any contention seeking equivalence of pay to be given and that is why, that issue was not dealt with or noted in the order issuing notice of motion. By taking note of the fact that the petitioner's services stood terminated and he has already filed an independent writ petition, this Court is of the opinion that there is no ground made out to review the order so passed. In case the petitioner has a

grievance that he ought to have been paid salary equivalent to that of Dev Anoop, he would be at liberty to take all pleas available in an appropriate forum.

Consequently, the instant review application is disposed of with the aforesaid observations.

27.04.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No