

RA-CW-24-2019 IN CWP-23294-2015 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203-34 cases)

RA-CW-24-2019 IN CWP-23294-2015 (O&M)
Date of decision:- 28.04.2023

Ram Sanjeevan	...Petitioner
Versus	
State of Haryana and others	...Respondents

RA-CW-32-2019 in CWP-23011-2015 (O&M)

Maya	...Petitioner
Versus	
State of Haryana and others	...Respondents

RA-CW-18-2019 in CWP-24815-2015 (O&M)

Shanti Devi	...Petitioner
Versus	
State of Haryana and others	...Respondents

RA-CW-27-2019 in CWP-23059-2015 (O&M)

Satbir Singh	...Petitioner
Versus	
State of Haryana and others	...Respondents

RA-CW-30-2019 in CWP-16082-2015(O&M)

Ramesh Pal	...Petitioner
Versus	
State of Haryana and others	...Respondents

RA-CW-24-2019 IN CWP-23294-2015 (O&M) -2-

RA-CW-26-2019 in CWP-21990-2015 (O&M)

Naresh Kumar ...Petitioner
Versus
State of Haryana and others ...Respondents

RA-CW-25-2019 in CWP-22752-2016 (O&M)

Mohammad Rayis ...Petitioner
Versus
State of Haryana and others ...Respondents

RA-CW-16-2019 in CWP-19735-2015 (O&M)

Sonal Lal ...Petitioner
Versus
State of Haryana and others ...Respondents

RA-CW-33-2019 in CWP-21474-2015 (O&M)

Karambir Singh ...Petitioner
Versus
State of Haryana and others ...Respondents

RA-CW-17-2019 in CWP-24874-2015 (O&M)

Anil Kumar ...Petitioner
Versus
State of Haryana and others ...Respondents

RA-CW-29-2019 in CWP-24670-2015 (O&M)

Vaijanit Anand Ram Singare ...Petitioner
Versus
State of Haryana and others ...Respondents

RA-CW-24-2019 IN CWP-23294-2015 (O&M) -3-

RA-CW-68-2019 in CWP-24370-2015 (O&M)

Suman Bhandari	...Petitioner
Versus	
State of Haryana and others	...Respondents

RA-CW-67-2019 in CWP-22041-2015 (O&M)

Kiran Pal	...Petitioner
Versus	
State of Haryana and others	...Respondents

RA-CW-19-2019 in CWP-18287-2015 (O&M)

Bijender Singh	...Petitioner
Versus	
State of Haryana and others	...Respondents

RA-CW-69-2019 in CWP-3514-2016 (O&M)

Nirmal Mehta	...Petitioner
Versus	
State of Haryana and others	...Respondents

RA-CW-123-2019 in CWP-15762-2015

Harbhajan Singh	...Petitioner
Versus	
State of Haryana and others	...Respondents

RA-CW-127-2019 in CWP-21473-2015

Surdarshan Lal	...Petitioner
Versus	
State of Haryana and others	...Respondents

RA-CW-24-2019 IN CWP-23294-2015 (O&M) -4-

RA-CW-121-2019 in CWP-22106-2015 (O&M)

Madan Lal	...Petitioner
Versus	
State of Haryana and others	...Respondents

RA-CW-122-2019 in CWP-18268-2015 (O&M)

Narbir Singh	...Petitioner
Versus	
State of Haryana and others	...Respondents

RA-CW-28-2019 in CWP-18306-2015

Gobind Ram	...Petitioner
Versus	
State of Haryana and others	...Respondents

RA-CW-22-2019 in CWP-23127-2015 (O&M)

Kanwar Singh	...Petitioner
Versus	
State of Haryana and others	...Respondents

RA-CW-21-2019 in CWP-23016-2015

Mahinder Singh	...Petitioner
Versus	
State of Haryana and others	...Respondents

RA-CW-23-2019 in CWP-23130-2015 (O&M)

Sindhu	...Petitioner
Versus	
State of Haryana and others	...Respondents

RA-CW-24-2019 IN CWP-23294-2015 (O&M) -5-

RA-CW-20-2019 in CWP-11088-2015 (O&M)

Parshu Ram Pandey through LRs ...Petitioner
Versus
State of Haryana and others ...Respondents

RA-CW-31-2019 in CWP-23057-2015 (O&M)

Dhanno Kumari ...Petitioner
Versus
State of Haryana and others ...Respondents

RA-CW-160-2019 in CWP-24833-2015 (O&M)

Jagdish Chander ...Petitioner
Versus
State of Haryana and others ...Respondents

RA-CW-166-2019 in CWP-24853-2015 (O&M)

Azad Singh ...Petitioner
Versus
State of Haryana and others ...Respondents

RA-CW-188-2019 in CWP-22144-2015 (O&M)

Charan Singh ...Petitioner
Versus
State of Haryana and others ...Respondents

RA-CW-164-2019 in CWP-4841-2016 (O&M)

Vijay Kumar ...Petitioner
Versus
State of Haryana and others ...Respondents

RA-CW-24-2019 IN CWP-23294-2015 (O&M) -6-

RA-CW-158-2019 in CWP-23056-2015 (O&M)

Balraj ...Petitioner
Versus
State of Haryana and others ...Respondents

RA-CW-154-2019 in CWP-3699-2016 (O&M)

Rakesh Mehra ...Petitioner
Versus
State of Haryana and others ...Respondents

RA-CW-192-2019 in CWP-3541-2016 (O&M)

Mani Ram ...Petitioner
Versus
State of Haryana and others ...Respondents

RA-CW-194-2019 in CWP-23357-2015 (O&M)

Bansi Lal ...Petitioner
Versus
State of Haryana and others ...Respondents

RA-CW-190-2019 in CWP-19447-2015 (O&M)

Dharampal ...Petitioner
Versus
State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. J.K.Goel, Advocate for the petitioner(s) in all cases.

Mr. Harish Rathee, Senior DAG, Haryana.

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SUVIR SEHGAL, J. (Oral)

CM-4217-CWP-2019 IN CWP-3514-2016, CM-4216-CWP-2019 IN CWP-22106-2015, CM-5635-CWP-2019 IN CWP-24833-2015, CM-5726-CWP-2019 IN CWP-24853-2015, CM-6343-CWP-2019 IN CWP-22144-2015, CM-5685-CWP-2019 IN CWP-4841-2016, CM-5632-CWP-2019 IN CWP-23056-2015, CM-5330-CWP-2019 IN CWP-3699-2016, CM-6344-CWP-2019 IN CWP-3541-2016, CM-6347-CWP-2019 IN CWP-23357-2015 AND CM-6341-CWP-2019 IN CWP-19447-2015.

1. For the reasons given in the applications, they are allowed.
2. Delay in the filing of the Review Applications is condoned as prayed for.

Main cases

1. This order shall dispose of above-mentioned thirty four Review Applications as they involve common questions of law and fact. For the sake of convenience, facts are being taken from RA-CW-24-2019 in CWP-23294-2015.
2. Review-applicant had approached this Court by filing a writ petition *inter alia* for issuance of a writ of certiorari seeking quashing of notification dated 31.08.2009, Annexure P-4. Another prayer was made for issuance of a writ in the nature of mandamus directing the respondents to regularize his service from the date of entitlement and for grant of all consequential benefits along with interest.
3. After contest by the respondents, writ petition was dismissed by this Court by judgment dated 08.08.2018. The operative part of the judgment is reproduced hereunder:-

“In view thereof, the claim of the petitioners is not only belated, but is not supported by material/merit, as they have never been government servants prior to their adjustments in the Indian Red Cross Society, Haryana Branch. In the matter of policy, the courts would not interfere unless a fundamental right has been apparently infringed to a degree calling for interference.

Consequently, I find no merit in this bunch of petitions and would dismiss them.”

4. LPA preferred by the applicant was permitted to be withdrawn and the following order was passed on 04.12.2018:-

“1. Having argued the matter at length and since we expressed that we were not inclined to interfere in the matter, learned counsel for the appellant submits that he be permitted to withdraw this appeal, so as to enable the appellant to move an appropriate application before the learned Single Judge, confined to the extent that certain other reliefs, besides the issues that have been deliberated and upon which the impugned order and judgment has been rendered, such as allowances and other benefits, which the appellant was entitled to were also claimed, but somehow were not considered or escaped notice of the Writ Court.

2. Dismissed as withdrawn with the liberty prayed for only to the extent indicated above.”

5. By way of present review application, applicant is claiming that the respondents have not given various special allowances, which have been granted by the Government of Haryana to persons with disabilities. An

application for placing on record an additional affidavit dated 05.03.2019 has also been filed giving the details of the benefits due. Notice on the application was issued way back and despite repeated adjournments, the respondents have not filed any reply for the last four years. This Court therefore, does not deem it appropriate to adjourn the matter any further.

- 6. Heard counsel for the parties.
- 7. Although, the main prayer in the writ petition has already been declined, but considering the fact that the review-applicant has claimed some additional benefits, review application is disposed of with liberty to the applicant to file a comprehensive representation before respondent No.2 – Director, Social and Empowerment Department, giving details of the claims raised. In case, any such representation is moved, respondent No.2 shall examine it within a period of four months of its submission and in case, respondent No.2 finds that the claims raised by the applicant cannot be granted, an order be passed giving reasons for rejection within the aforesaid period. In case, the claims deserve acceptance, the monetary benefit be disbursed to the applicant within a period of four months thereafter.
- 8. Pending application(s), if any, shall stands disposed of.

28.04.2023
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No