

CWP No. 367 of 2021 (O&M)

2023:PHHC:105198

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(104+230)

CWP No. 367 of 2021 (O&M)

Date of Decision : 16.08.2023

Bharat Bhushan Gogia

...Petitioner

Versus

Haryana Right to Service Commission and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajeev Anand, Advocate and
Mr. Aniket Aggarwal, Advocate for the petitioner.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

Mr. Sanjeev Majra, Advocate for respondent No. 3.

Harsimran Singh Sethi J. (Oral)

CM-13302-CWP-2023

Present application has been filed for placing on record
Annexure P-14.

Application is allowed and Annexure P-14 is taken on
record, subject to all just exceptions.

CWP-367-2021

1. The present petition has been filed challenging the orders
dated 01.07.2019 (Annexure P-7), dated 16.12.2019 (Annexure P-9) and
dated 19.11.2020 (Annexure P-12) respectively.

2. Learned counsel for the petitioner argues that against the order passed by the Chief Commissioner, Haryana, Right to Service Commission, Chandigarh against the order dated 01.07.2019 (Annexure P-7) bringing certain factual aspects to the knowledge of the Commission had been rejected only on the ground that after a period of one year and four months, the review of the order cannot be done. Learned counsel for the petitioner submits that at the time, when the order dated 01.07.2019 (Annexure P-7) was passed, it was recorded that no one is present, hence, as and when the order causing prejudice to the petitioner came to his knowledge, he had filed an application for review of the said order so as to bring correct factual position before the Commission, which application has been rejected without dealing with the same on merits, hence, at this stage, the petitioner only prays that the order dated 19.11.2020 (Annexure P-12) may kindly be set-aside and the Haryana Right to Service Commission be directed to pass an appropriate order on merits upon the application submitted for the review of the order dated 01.07.2019 (Annexure P-7).

3. Learned State counsel submits that it would have been better that immediately upon the receipt of impugned order dated 01.07.2019 (Annexure P-7), the review of the same should have been preferred.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. Once, at the time of passing of impugned order dated 01.07.2019(Annexure P-7) nobody had appeared on behalf of the

petitioner before the Court and as per the petitioner, the factual aspects recorded in the said order are not correct, hence, he filed a review petition, the said review application should have been dealt on merits rather than rejecting it on the ground that the same has been filed after one year. Nothing has been mentioned in the order that there is any rule, which disallowed the said review petition after a period of one year. In the absence of any rule cited, the Commission should have considered the factual aspect being brought to the notice of the Commission by deciding the review petition on merits.

6. In view of the above, the present petition is allowed and the order dated 19.11.2020 (Annexure P-12) is set-aside. The Commission is requested to pass an appropriate order on the review petition on merits after considering the factual aspect being brought to the notice of the Commission.

August 16, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No