

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RA-CW-8-2022 in
CWP-8413-1991

Date of decision : 06.12.2023

Gurdip Singh

...Petitioner

Vs.

Deputy Registrar, Cooperative Societies
Faridkot and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Shrey Goel, Advocate
for the applicant-petitioner.

Mr. Arun Gupta, AAG, Punjab.

Mr. Harbans Sharma, Advocate
for non-applicant-respondent No.2.

DEEPAK MANCHANDA, J.(Oral)

1. The present application has been filed under Order 47 Rule 1 read with Section 151 of CPC for review of the order dated 27.02.2019 passed in CWP No.8413 of 1991, which was allowed and the petitioner was held entitled to his back wages for the period of 13 months with the directions to calculate the same as per the petitioner's last drawn salary immediately before termination of his services along with interest at the rate of 6% per annum w.e.f. the date of passing the impugned order till its actual payment.

2. Learned counsel for the applicant-petitioner has argued that the respondent-authorities had paid the amount to the petitioner calculated @Rs.337/- whereas as per information sought under RTI, one salesman of the

said society was being paid an amount of ₹ 845/- from May 1988 till September 1989 and subsequently, the same was increased to ₹ 1242/- w.e.f. January 1990 to December 1990. He further submits that the petitioner was being paid less salary @₹ 337/- per month, whereas the actual amount of salary paid to a salesman was Rs.1242/- from 1988 till September 1989 and prays that the respondent-authorities be directed to release the amount to the petitioner equivalent to what has been paid to the similarly situated employee.

3. Having heard the Ld. counsel for the parties and have perused the material available on record.

4. The jurisdiction in review is limited and no review will be maintainable by placing reliance upon the fresh plea which was not part of the writ petition. As the applicant-petitioner has relied upon the information sought under RTI about the difference in the salary, but as per material available on record the said fact was never agitated before the writ court. As it has been consistently held by this Court in several judicial pronouncements that the Court's jurisdiction of review, is not the same as that of an appeal. A judgment can be open to review if there is a mistake or an error apparent on the face of the record, but an error that has to be detected by a process of reasoning, cannot be described as an error apparent on the face of the record. Secondly, it is a settled principle of law that a review petition can only be filed by the counsel who had argued the writ petition. In the present case, learned counsel appearing for the review-applicant did not argue the writ petition at the time when the same was heard and decided.

5. Even as per office report, there is delay of 352 days in filing the review application, but no application for condoning the same has been filed.

6. Keeping in view the fact that learned counsel for the applicant/petitioner has failed to point out in the instant case if there is any error apparent on the face of the record

7. In view of the above, no ground is made out to review the order dated 27.02.2019 and the review application is accordingly dismissed.

(DEEPAK MANCHANDA)
JUDGE

06.12.2023
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No