

**125 RA-CW-290-2023 in
CWP-16101-2023**

YOG BALA VS STATE OF HARYANA AND OTHERS

Present: Mr. Jawahar Lal Goyal, Advocate
for the applicant/petitioner.

This application has been filed seeking review/recalling of the order, dated 28.07.2023, passed by this Court in CWP No.16101 of 2023, whereby the petition was disposed of by directing respondent no.3 to decide the pending representation, dated 24.03.2022, within eight weeks.

2. Learned counsel for the petitioner contends that the representation dated 24.03.2022, which was pending with the respondents, and was ordered to be decided by passing a speaking order by this Court vide order dated 28.07.2023, in fact, pertained to claim for treating the period of petitioner's service from 01.05.1998 to 24.08.1998 as duty period. The said claim already stands dismissed as not pressed vide order dated 28.07.2023. Therefore, the fate of this representation also stands sealed in terms of the order. Due to inadvertence the fact could not be brought to the Court's notice at the time of passing the order. He, accordingly, prays that the said order may be modified to the extent that the applicant/petitioners may be permitted to make a fresh representation to the respondents to claim benefit of continuity of service by treating the period of service from 07.10.1997 to 30.04.1998 as continuous service for all intents and purposes.

3. Notice in the application to learned counsel for the non-applicants.

4. Mr. Ravinder Singh Budhwar, Addl. AG, Haryana, accepts notice on behalf of respondents/State, and submits that as and when the fresh representation is made by the petitioner, it shall be decided by taking

appropriate decision in the light of order dated 16.05.2005, Annexure P-7, passed in case of similarly situated employees.

5. In view thereof, the order dated 28.07.2023 stands modified to the extent that the petitioner will be at liberty to make a fresh representation within three weeks from today claiming the aforesaid benefit of continuity in service, and the same shall be considered and decided by respondent no.3-District Elementary Education Officer by passing a speaking order thereupon within a period of eight weeks from receiving it.

6. Disposed of.

**(TRIBHUVAN DAHIYA)
JUDGE**

25.08.2023
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