

**CM-19595-CWP-2021 in/and
RA-CW-331 of 2021 in
CWP No. 3363 of 2021
& other connected cases**

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**CM-19595-CWP-2021 in/&
RA-CW-331 of 2021 in
CWP No. 3363 of 2021**

**CM-1119-2021-CWP-2022 in/&
RA-CW-10-2022;**

**RA-CW-38-2022;
RA-CW-39-2022;
RA-CW-60-2022;
RA-CW-75-2022
CM-6858-CWP-2022 in CWP-3363-2021**

**DALJIT KAUR AND OTHERS VERSUS STATE OF PUNJAB AND
OTHERS**

Present:- Mr. Sanjay Kaushal, Senior Advocate with
Mr. Arjun Shukla, Advocate,
for the applicant(s) in RA-CW-331-2021.

Ms Jasleen Kaur Chhibber, Advocate for
Mr. H.C. Arora, Advocate
for the applicant(s) in RA-CW-10-2022.

Mr. Manpreet Singh, Advocate for
Mr. P.S. Khurana, Advocate,
for the applicant(s) in RA-CW-75-2022.

Mr. Prateek Gupta, Advocate,
for the applicant(s) in RA-CW-39-2022.

Applicants in person in RA-CW-60-2022.

Mr. Rajbir Singh, Advocate for
Mr. Vikas Chatrath, Advocate
for petitioners (non-applicants) in RA-331-2023 in
CWP-3363- 2021.

Mr. Navdeep Chhabra, Sr. DAG, Punjab
for the applicant-State in RA-CW-38-2022.

CM-19595-CWP-2021 in RA-CW-331 of 2021

Application under Section 5 of Limitation Act read with Section

151 CPC for condonation of delay of 11 days in filing the review application.

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For the reasons mentioned in the application, the same is allowed, as prayed for subject to all just exceptions. Delay of 11 days in filing the review application is condoned.

Review application(s)

Application(s) under Order 47 Rule 1 read with Section 151 of Code of Civil Procedure (for short “CPC”) for review of judgment dated 08.11.2021.

2. For reference, Order 47 Rule 1 CPC, being material, is extracted here-as-under-

“1. Application for review of judgment.--(1) Any person considering himself aggrieved,-

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred.

(b).....
....

(c).....
...

and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the other.

(2).....

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3. It is a matter of record that judgment under review was challenged before the Division Bench of this Court in LPA No.1174 of 2021, but the same was dismissed as withdrawn on 09.12.2021, and the order reads as under:-

“Learned Senior counsel for the appellants seeks to assail the impugned orders and judgment, in reference to the Punjab State Elementary Education (Teaching Cadre) Border Area Group-C, Service Rules, 2018 (Annexure A-1) and certain orders passed by the Government of Punjab (Annexures A-2 to A-4).

However, upon being confronted, as to how, these documents could at all be taken into consideration for, concededly the same never formed part of the record, learned Senior counsel, submits that he be permitted to withdraw the appeal to enable the appellants to move an appropriate application before the learned Single Judge qua their concerns.

Dismissed as withdrawn with the liberty, prayed for.”

4. Thereafter, another LPA No.1177 of 2021 was preferred against the judgment dated 08.11.2021, which was also dismissed as withdrawn and the order is re-capitulated as under:-

“The petitioners-appellants, who were not parties to the writ petition or proceeding before the learned Single Judge, claim to be affected and aggrieved by the impugned order and judgment dated 08.11.2021. Having argued the matter at some length, learned counsel for the appellants prays for and is permitted to withdraw this appeal with liberty to file an appropriate application before the learned Single Judge, as regards their concerns and grievances.

Dismissed as withdrawn with the liberty aforesaid.”

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5. Yet again, third LPA No. 169 of 2022 was filed against the judgment dated 08.11.2021, which was also disposed off in terms of the order dated 09.12.2021 & 10.12.2021 (*supra*) and the order is reproduced as under:-

“The appellants seek to assail the impugned order and judgment, as although they were not party to the writ petition, but their rights and interest are severely affected. The LPA Nos.1174 and 1177 of 2021, filed against the same order and judgment by those who were respondents in the writ petition, were withdrawn with liberty to move a review application before the learned Single Judge. The issues that are sought to be raised even in the matter at hands are similar in nature. Therefore, in our considered view, it would rather be expedient if the appellants too move the learned Single Judge, by filing an appropriate application.

At this stage, learned counsel for the appellants submits that let this appeal be also disposed of, in terms of the orders dated 09.12.2021 and 10.12.2021, passed in the appeals referred to above.

Ordered accordingly.”

6. Still further, a review petition (RA-LP-27-2023) was filed against the order dated 09.12.2021 passed in LPA No. 1174 of 2021 and which is pending before Division Bench on 30.11.2023.

7. Despite above factual position, learned Senior counsel as well as other applicants including, State of Punjab tried to rake up the issue again on merits under the garb of present review application(s) like an appeal, which obviously is not the scope of Order 47 Rule 1 CPC, when three different appeals were preferred against the judgment dated 08.11.2021.

8. Above all, a review petition No.RA-LP-27-2023 has already been filed in LPA No.1174 of 2021 and which is stated to be pending before the

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Division Bench on 30.11.2023, but this aspect of the matter is deliberately concealed by the Review applicant(s).

9. In view of the above, this Court is fully convinced that present review petition(s) are complete misuse of the process of Court; hence deserve to be dismissed with exemplary costs.

10. However, taking a lenient view, all the review application(s) are dismissed, but no order as to costs.

11. Pending civil misc. application(s), if any, shall also stand disposed off.

20.10.2023
SN

**(MAHABIR SINGH SINDHU)
JUDGE**