

**C.M. No.15261-CWP of 2019 in/and
RA-CW No.407 of 2019 (O&M) in
CWP No.19138 of 2004**

Ran Pal Sharma Vs. State of Haryana and others

Present: Mr. Pankaj Midha, Addl. A.G. Haryana
for the applicant-respondents.

Mr. Johan Kumar, Advocate
for the applicant-respondents.

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C.M. No.15261-CWP of 2019

The present application has been filed for condoning delay of 245 days in filing the review application.

For the reasons stated in the application, which is duly supported by an affidavit, the same is allowed and delay of 245 days in filing the review application is condoned.

C.M. No.10979 of 2023

Application is allowed as prayed for.

Annexures A-1 to A-3 are taken on record, subject to all just exceptions.

RA-CW No.407 of 2019

The present review application has been filed for recalling order dated 09.01.2019 passed by this Court, by which the writ petition i.e. CWP No.19138 of 2004 was disposed of in terms of CWP No.5897 of 2003 titled as *Prem Chand Tagla and others Vs. State of Haryana and others* on 09.01.2019.

Learned counsel appearing for the review applicant argues that in the present case after passing of the order dated 09.01.2019, which has been sought to be reviewed, it has come to the knowledge of the department that the non-applicant/petitioner was not appointed against the regular sanctioned post, while working in an aided institution, hence, entitlement of the petitioner qua the

benefit of such service rendered in Aided Institution towards pension needs to be decided while adjudicating upon the claim of the petitioner.

Learned counsel appearing for the non-applicant/petitioner submits that nothing has come on record that the petitioner was not working on a regular sanctioned post, while working with the aided institution, hence, present review application being filed by the department is without any valid basis.

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

In the review application, respondents have attached the affidavit of the Aided institution where the petitioner was serving to substantiate that the petitioner was not working on a regular sanctioned post till the year 1982. That be so, the claim of the petitioner needs to be adjudicated afresh as to whether such services rendered by the petitioner in an Aided institution can be taken into consideration while computing pensionary benefits, hence, order dated 09.01.2019 by which the present writ petition has been disposed of, is recalled so as to be decided afresh on the facts and circumstances of the present case.

The review application is allowed.

CWP No.19138 of 2004

To be listed as per roster.

(HARSIMRAN SINGH SETHI)
JUDGE

August 07, 2023
Pankaj*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No