

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CM-4112-CWP-2018;
CM-1759- CWP-2015 and
RA-CW-61-2015 in CWP-7248-2000**

Date of decision : 03.11.2023

Hans Raj Arora

...Petitioner

Vs.

**The District Red Cross
Society, Jalandhar**

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Sandeep Arora , Advocate
for the applicant-petitioner (in CM-1759- CWP-2015) and
in RA-CW-61-2015

Mr. G.S.Nagra, Advocate and
Mr. K.S.Rawat, Advocate for applicant-respondent
(in CM-4112-CWP-2018).

DEEPAK MANCHANDA, J.(Oral)

CM-4112-CWP-2018

The present application has been filed under Section 151 CPC for placing on record a copy of the orders dated 07.05.2017 passed by Hon'ble Division Bench in CWP-6355-2005 and 17.07.2017 passed by Hon'ble Supreme Court in SLP-2391-2008.

For the reasons mentioned in the application, same is allowed and orders dated 07.05.2017 and 17.07.2017 are taken on record.

CM-1759- CWP-2015

This application has been filed under Section 5 of Limitation Act, 1963 for condonation of delay of 439 days in filing the review petition.

Heard.

For the reasons mentioned in the application, same is allowed and delay of 439 days in filing the review petition is condoned.

RA-CW-61-2015

1. The present application has been filed for review of the order dated 04.10.2013 on the ground that same was passed without granting opportunity of hearing to the applicant-petitioner and in absence of representation on behalf of the applicant-petitioner.

2. Learned counsel for the applicant-petitioner submits that on 04.10.2013 since there was no representation on behalf of the applicant-petitioner, therefore, in absence of the same the writ petition filed by the applicant-petitioner was decided on merits. He further submits that the said writ petition was dismissed only on the ground that there is no material to suggest that the respondent-society was bound by Civil Services Rules after having adopted the same, whereas the respondent being a society had adopted Punjab Civil Services (Punishment and Appeals) Rules, 1970 which are applicable to the employees of the State of Punjab and no separate rules framed by the society governing the conditions of services of the employees. Learned counsel has referred to said rules annexed as Annexures A-3 and A-4.

3. Learned counsel for the respondents submits that the petitioner has not disclosed in the review application that he was retired prematurely on 06.04.2005 at the age of 55 years and the said order was challenged by way of filing CWP-6355-2005, wherein also he had taken the similar plea of applicability of Punjab Civil Services Rules and respondent denied the same saying that said rules were never adopted. Consequently the said writ petition

was dismissed vide order dated 07.05.2017 (Annexure R-1/1) and thereafter, even the SLP bearing No.(C) 2391-2008 filed against said order was also dismissed vide order dated 17.07.2017 (Annexure R-1/2).

4. I have heard learned counsel for the parties carefully and perused the case file.

5. The applicant-petitioner has concealed the fact of filing the earlier writ petition i.e. CWP No. 6355 of 2005 and dismissal of the SLP thereto against the judgment passed in the said writ petition, where even similar plea had already been rejected by this Court as well as by the Hon’ble Apex Court.

6. Moreover, the jurisdiction in review is limited. 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.

7. Keeping in view the fact that learned counsel for the applicant-petitioner has failed to point out in the instant case that if there is any error apparent on the face of the record, therefore, no ground is made out to review the order dated 04.10.2013 and the review application is accordingly dismissed.

(DEEPAK MANCHANDA)
JUDGE

03.11.2023

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