

**RA No. 11 of 2020 in
CWP No. 8841 of 2018**

**2023:PHHC:045209
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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CM No. 240-CWP-2020 in
RA No. 11 of 2020 in
CWP No. 8841 of 2018 (O&M)
Date of Decision: 23.3.2023**

Dr. Sudarshan Rathee

...Applicant/Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

**Present:- Mr. R. Kartikeya, Advocate
for the applicant/petitioner.**

JAISHREE THAKUR, J.

CM No. 240-CWP- of 2020

Heard.

For the reasons stated in the application, which is supported by an affidavit, the same is allowed and the delay of 14 days in re-filing the review application is condoned.

CM stands disposed of.

RA No. 11 of 2020

1. The present application has been filed seeking review of the judgment dated 16.10.2019 passed in CWP No. 8841 of 2018.

2. In brief, the facts are that the applicant/petitioner had approached this Court by filing writ petition under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of Certiorari to quashing the proceedings of the Selection Committee dated 17.9.2017 and

set aside the appointment, as offered to respondent No.4; with a further prayer that appointment be offered to the applicant/petitioner.

3. Notice of motion was issued in the said matter and reply was filed on behalf of respondent No. 3. As per the reply filed, it was submitted that the applicant/petitioner had already attained the age of 60 years as on 17.9.2017. This Court, vide order dated 16.10.2019, noted the contention of the learned counsel for the respondents that the applicant/petitioner had attained the age of superannuation and, therefore, dismissed the writ petition holding that there was no ground for interference.

4. The present review application has now been filed seeking to review the said order on the ground that in case the applicant/petitioner had been appointed with effect from 2017, when the appointment had been offered to respondent No.4, he would have, at least, been entitled to notional benefits., even though he had attained the age of superannuation.

5. I have heard learned counsel for the applicant/petitioner and find that there is no ground to review the judgment dated 16.10.2019.

6. Admittedly, the applicant/petitioner was seeking to set aside the proceedings of the Selection Committee and the appointment offered to respondent No.4. The arguments raised that even though the applicant/petitioner had attained the age of 60 years but if he had been offered the appointment, he would have been entitled to notional benefits, cannot be a ground to review the judgment so passed. The applicant/petitioner would have to establish the fact that he had been ignored for appointment and that respondent No.4 had wrongly been

appointed, which fact has never been established. It is also hypothetical that the Court would have allowed the writ petition and allow him notional benefits. It cannot lost sight of that selection of respondent No.4 stood concluded when the appointment was offered to him, which selection was challenged almost two years after the selection.

7. For the reasons afore-stated, this review application is dismissed.

23.3.2023
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No