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2023:PHHC:166572

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

**RA-CW-11-2018 in
CWP-17128-2017**

Date of decision : 04.09.2023

Sukhjinder Singh and another

...Applicant-Petitioners

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Gagneshwar Walia, Advocate
for the applicant-petitioners.

Mr. Arun Gupta, AAG, Punjab.

Mr. Saurav Verma, Advocate and
Ms. Preeti Grover, Advocate
for respondent Nos.2 and 3.

DEEPAK MANCHANDA, J.(Oral)

The present review application has been filed under Order 47 Rule 1 and 2 read with Section 151 CPC for review of the judgment dated 07.12.2017 on the ground that the claim of the petitioners in the Writ Petition No.17128-2017 was totally different from the CWP-18713-2014, which has been decided along with said writ petition i.e. CWP-18713-2014 vide order dated 07.12.2017.

The order dated 07.12.2017 is reproduced here below:-

“For orders, see order passed on even date in CWP-18713-2014 (Sukhjinder Singh & others Vs. State of Punjab and others).”

In the present review application, the petitioners have pleaded that the claim of the petitioners was for grant of equal salary/wages as is being paid to Bank/security Guard deployed by the Bank through security agencies and for quashing of the circulars passed by the Bank denying the said benefits to the petitioners. However, in the other matter i.e. CWP-18713-2014, the claim of the said petitioners was with regard to the regularization of their services qua the State and the Bank and their writ petition vide order dated 07.12.2017 has been decided in terms of the decisions rendered in CWP-18713-2014 as inspite of due diligence by the petitioners, the said distinction could not be pointed out at the time when the present writ petition was heard by this Court along with CWP-18713-2014 and other connected matters and since the issues raised in the present petition i.e. CWP-17128-2017 is totally different and distinct from one raised and decided in CWP-18713-2014. Thus, there is an error apparent on the face of record and sufficient reasons are there for reviewing the judgment passed by this Court vide order dated 07.12.2017.

On the other hand, learned counsel representing respondent Nos.1 and 4 submits that there is no apparent error on the face of record, therefore, present application be dismissed.

Learned counsel for respondent Nos.2 and 3 submits that present application is not maintainable as it does not fulfill any of the criteria mentioned in Section 114 or Order 47 Rule 1 and 2 CPC.

Heard the learned counsel for the parties.

After perusing the material available on record and the entire case file, the present review application deserves to be dismissed on the ground that the learned counsel for the applicant-petitioners has failed to point out any

error apparent on the face of record. Further, the facts emanated from the pleadings pleaded by the applicant-petitioners in the writ petition, the paragraph Nos.4 and 5 of the writ petition read as below:-

“4. That as the petitioners were also similarly situated and were working as SPOs (Bank guards) and the judgment rendered by the Hon’ble Supreme Court being fully applicable to the case of the petitioners, the petitioners preferred CWP No.18713 of 2014 before this Hon’ble Court for directing the respondents to regularize their services in terms of Judgment rendered by the Hon’ble Supreme Court of India in Civil Appeal No.1059 of 2005 titled as Nihal Singh and others Versus State of Punjab and others decided on 7.8.2013.

5. That the said writ petition is pending adjudication before the Hon’ble High Court and further more this Hon’ble Court has been pleased to direct the respondents including Punjab Gramin Bank not to dispense with or terminate the services of the said SPOs during the pendency of the case. The said cases are not pending or 13.9.2017. Copy of the interim orders passed by this Hon’ble Court in pending writ petitions are appended to this petition as Annexure P-2 Colly.”

The above said fact as duly admitted in para Nos.4 and 5 of the writ petition, which cannot be denied being part of the pleadings, where applicant-petitioners themselves pleaded their matter being similar and accordingly, the writ petition filed by the applicant-petitioners was decided in terms of CWP-18713-2014 being similar in nature and even in the application, applicant-petitioners have admitted in para No.5 of the application that at the time of hearing of the writ petition they failed to point out that how the subject

matter of the writ petition No.17128-2017 filed by the applicant-petitioners was different and distinct what they have pleaded in the writ petition.

In such circumstances, no ground is made out for reviewing the order dated 07.12.2017 passed by this Court as there is no apparent error on the face of record.

Consequently, the present review application is dismissed.

(DEEPAK MANCHANDA)
JUDGE

04.09.2023
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No