

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-2994-CWP-2018 IN/AND
RA-55-CW-2018 IN
CWP-268-2007
DATE OF DECISION: 15.09.2023

EXECUTIVE ENGINEER, PUBLIC HEALTH, DIVISION NO. 2,
BHIWANI

.....PETITIONER

Vs.

ASHOK KUMAR AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sunil Kumar Bhardwaj, Advocate,
for the applicants/respondents.

Mr. Deepak Bhardwaj, D.A.G., Haryana.

G.S.SANDHAWALIA, J. (ORAL)

1. By the review application, i.e. RA-CW-55-2018, the applicant-respondent-workman seek review of the order dated 12.09.2007 passed in the accompanying petition, which is also barred by 4130 days in filing the review application, which is also sought to be condoned by filing CM-2994-CWP-2018.

2. Vide order dated 12.09.2007, the co-ordinate Bench had allowed the writ petition of the State and set aside the Award dated 02.05.2006 (Annexure P-6) of 50% back-wages but granted the benefit of the wages under Section 17-B of the Industrial Disputes Act, 1947, which was to be paid within 30 days.

3. Apparently, the petitioner challenged the said order before the Hon'ble Supreme Court by way of filing an SLP (Civil) 2759-2008, which was dismissed with the bunch of cases on 22.11.2010, which fact has also been mentioned in paragraph 8 of the review application.

4. Learned counsel for the applicants-respondents submits that the similarly placed persons have been granted the benefit of reinstatement and therefore, the impugned order passed in the writ petition is liable to be reviewed. Reliance has been placed upon an order passed by this Court earlier in point of time on 08.03.2007 in CWP-1480 of 2007, titled **The Executive Engineer, Public Health, Division No. 2 Bhiwani** vs. **Bablu Lal and others.**

5. Keeping in view the facts and circumstances of the present case, we are of the considered opinion that no ground is made out for review of the order dated 12.09.2007, on account of the principle of parity since the issue of reinstatement of a workman is to be decided on the peculiar facts and circumstances of each case. The matter having been settled upto the Hon'ble Apex Court, we do not find any ground now to reopen it at such a belated stage, and therefore, the review application is liable to be not entertained.

6. It is to be noticed that during the interim period since the amount had not been paid, directions had been issued to make payment of back wages and a sum of ₹15,138/- were given to the workman-Ashok Kumar on 08.05.2023. Resultantly, directions were also issued to grant the interest on account of the delay in payment.

7. Today, a cheque of ₹44,233/- in favour of respondent No.1-Ashok Kumar has been handed over by counsel for the State to the counsel for the applicant-respondent in Court. A photocopy of the same has also been taken on record.

8. Accordingly, the present review application and the application for condonation of delay of 4130 days in filing the same, are dismissed.

(G.S. SANDHAWALIA)
JUDGE

September 15, 2023
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether Reportable	No