

CM-3801-CWP-2024;
CM-3800-CWP-2024 in/and
RA-CW-85-2024 in
CWP-17212-2018

2024:PHHC:067938



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(109)

CM-3801-CWP-2024;
CM-3800-CWP-2024 in/and
RA-CW-85-2024 in
CWP-17212-2018
Date of Decision : 15.05.2024

Harish Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Harish Nain, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

CM-3801-CWP-2024

Present application has been filed for seeking condonation of
delay of 120 days in filing the review petition.

Keeping in view the averments made in the application,
which are duly supported by an affidavit, the application is allowed and
delay of 120 days in filing the review petition is condoned.

CM-3800-CWP-2024

Application is allowed, as prayed for.

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In pursuance to the order dated 06.03.2024 an affidavit has been filed, wherein, the appointment order of the husband of Kelo Devi, who was the petitioner in CWP No. 5593 of 2011 titled as ***Kelo Devi Vs. State of Haryana and others***, decided on 07.02.2013, who was allowed the benefit of service rendered by her late husband, which has been brought on record. The benefit of the service rendered by the husband of Kelo Devi on contractual basis was treated as a valid service for the grant of various benefits, which benefits are also being claimed by the petitioner in the present petition.

On 03.10.2023, the petition of the petitioner was allowed in terms of the judgment in ***Kelo Devi's case (supra)***, and now a review petition has been filed. In the review petition, it has been mentioned that the claim of the petitioner is not akin to Kelo Devi as, the husband of Kelo Devi was appointed in pursuance to the regular selection process. This Court, vide order dated 06.03.2024 directed to place on record the appointment order given to the husband of Kelo Devi by the Subordinate Service Selection Board. In pursuance to the said order, the affidavit has been filed by Namita, Joint Director, Directorate of Elementary Education, Haryana, Panchkula, Along with the said affidavit, the appointment order of the husband of Kelo Devi has been appended as Annexure R-1. The same has not been issued by the Subordinate

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Selection Board but only by the General Manager, Haryana Roadways, Jind, wherein, the husband of Kelo Devi was appointed on contractual basis and that too on a consolidated amount of ₹3,000/- per month.

Learned counsel for the review applicant concedes the factum that the appointment of the petitioner was not made in pursuance to the recommendation of the Subordinate Service Selection Board and the appointment has been made in case of the husband of Kelo Devi only by the General Manager, Haryana Roadways on contractual basis on a consolidated salary. That being the factual position, there is no difference between the appointment of the husband of the petitioner as well as husband of Kelo Devi.

Learned counsel for the review applicant submits that in the judgment, the appointment of the husband of Kelo Devi has been described as having been made in a regular manner.

It may be seen that once, the actual appointment of the husband of Kelo Devi was made on contractual basis and that too on a consolidated salary and not by the competent authority, the grounds which are being taken in review application, are not at all admissible. The status of the husband of Kelo Devi as compared to the status of husband of the petitioner in the present petition is identical and that is why the State had conceded the claim when the case came up for consideration before this Court on 03.10.2023.

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It has already been mentioned in the earlier cases that after conceding the facts, the State is filing review petitions thereafter. Even in the present case, the review petition is made upon the incorrect facts that husband of Kelo Devi was appointed on the basis of regular selection, which fact has been conceded to be incorrect in the affidavit.

No ground is made out for any interference by this Court in the present review petition.

Dismissed.

May 15, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No