



YOG RAJ GARG VS STATE BANK OF PATIALA AND OTHERS

Present: Mr. Raman Sharma, Advocate
for the applicant-petitioner
Mr. Vikas Chatrath, Advocate and
Ms. Tanya Sehgal and Mr. Akshat Kalia, Advocates
for the non-applicants-respondents No. 1 and 2

The applicant-petitioner through instant application under Order 47 Rule 1 read with Sections 114 and 151 CPC is seeking review of order dated 23.11.2023 passed by this Court in CWP- 12435 of 2016.

In paragraph No. 3 of the said order, it was noted that “As all the private respondents and petitioner have retired, it is too late to consider validity of promotion of 33 respondents”.

The said order was passed as both sides conceded that all the private respondents and petitioner have retired on attaining the age of superannuation. The applicant preferred LPA No. 823 of 2024 before Division Bench of this Court and the same was withdrawn with liberty to file review on the ground that 18 private respondents are still in service.

Notice in the application.

Mr. Vikas Chatrath, Advocate accepts notice on behalf of respondents No. 1 and 2 and waives service.

The applicant claims that the matter needs to be adjudicated on merits.

Considering the fact that it is factually incorrect that all the private respondents have retired on attaining the age of superannuation and writ petition was disposed of in view of statement of both sides to the effect

that all the private respondents have retired, the application needs to be allowed.

In view of the aforesaid reason and arguments of both sides, the application is allowed. The order dated 23.11.2023 is hereby recalled and main petition is ordered to be listed as per Roster.

(JAGMOHAN BANSAL)
JUDGE

09.09.2024
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