

CMs-17640 to 17643-CWP-2024 in -1-
RA-CW-451-2024



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CMs-17640 to 17643-CWP-2024 in
RA-CW-451-2024
Date of Decision :16.12.2024

Santosh and others

...Petitioners

Versus

State of Haryana and others

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashish Yadav, Advocate for the review/applicant-State.

* * *

Harsimran Singh Sethi, J. (Oral)

CM-17640-CWP-2024

As prayed for, application is allowed.

CM-17641-CWP-2024

As prayed for, application is allowed.

CM-17642-CWP-2024 &
RA-CW-451-2024

There is an application seeking condonation of delay of 292 days in filing the present review petition.

A bare perusal of the application would show that the review-applicant/State has conceded that as per the opinion of the Advocate General, no appeal should be preferred but despite the said opinion, the appeal was preferred, which was withdrawn to file the review petition. Even the decision to file the appeal was taken after the limitation period had already expired. No justifiable reason has come on record to condone the



delay in filing the present review petition as well.

Further, the present review petition has been filed for the review of the order dated 06.12.2023 passed by this Court.

Learned counsel for the review/applicant-State submits that order dated 06.12.2023 passed by this Court needs to be reviewed as the direction has been given to grant the benefit to the petitioners for which benefit the petitioners are not entitled for.

On being asked to point out as to what incorrect fact has been noticed in the said order, learned counsel for the review/applicant-State has not been able to point out even a single factual error in the judgment. In the absence of any factual error in the judgment, the same needs no review.

Even otherwise, it may be noticed that petitioner has challenged the order dated 08.09.2022 by which, the grant of benefit of gratuity was declined to the petitioners.

During the pendency of the petition, the State of Haryana itself withdrew the said order. Once, the said order was withdrawn, the petitioners claimed the benefits admissible to them and the only direction given by this Court was that the admissible benefits be released in favour of the petitioner.

On being asked to point out as to what incorrect direction has been given by this Court in the facts and circumstances of the case where the impugned order was withdrawn by the State, which even as of now stands withdrawn, no reason has been forwarded by the learned counsel for the review-applicant/State hence, no ground is made out to review the order dated 06.12.2023.

Further, it may noticed that this review petition has been filed despite the fact that more than one authority has already opined that the



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review petition is not maintainable. Despite the said fact, after the expiry of approximately one year, present review petition has been filed. The same has only been filed so that the petitioners are stopped from getting the relief under the garb of review petition.

The tendency of filing such kind of review petition needs to be deplored and should be stopped so that wherever the relief has been given keeping in view the action of the State itself, the State does not waste the time of the Court by filing such kind of review petition.

Keeping in view the above, application seeking condonation of delay as well as main review petition is dismissed with cost of Rs.10,000/- to be deposited by the officer, who has filed this review petition, from her own pocket, not to be reimbursed by the State, with the Poor Patient Welfare Fund, PGIMER, Chandigarh.

CM-17643-CWP-2024.

Present application is also dismissed.

December 16, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No