

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

**CM-13964-CWP-2018
in/and RA-CW-293-2018 in
CWP-22774-2011
Date of decision: 04.09.2025**

Shamsher Singh

....Applicant-Petitioner

Versus

Presiding Officer, Industrial Tribunal, Amritsar and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Varun Baanth, Advocate,
for the applicant-petitioner.

Mr. Aditya Narayan Arya Garg, Advocate, for
Mr. Rahul Sharma, Advocate,
for non-applicant/respondent No.2.

KULDEEP TIWARI, J. (Oral)

CM-13964-CWP-2018

For the good and valid reasons assigned in the application, which is duly supported by an affidavit, the same is allowed. Consequently, delay of 379 days in filing the accompanying review application is condoned.

RA-293-2018

1. The instant review application has been filed by the applicant-petitioner, seeking review of the order dated 01.08.2017, whereby, the writ petition was disposed of.

2. Learned counsel for the review applicant-petitioner submits that a Coordinate Bench of this Court, while disposing of the writ petition, vide order dated 01.08.2017, granted only a compensation to the tune of Rs.1,50,000/- to the applicant-petitioner, thereby, ignoring the

fact that persons junior to him were retained in service and even regularized. The principle of “*Last Come First Go*” is clearly violated. Therefore, it is urged that claim of the applicant-petitioner for reinstatement ought to have been accepted.

3. This Court has heard the submissions advanced on behalf of the parties and perused the record.

4. Before this Court gauges the validity of the arguments raised by the learned counsel for the applicant-petitioner, it is imperative to have a glance upon the facts, which led to filing of instant review application.

5. Aggrieved by the order under review, the applicant-petitioner filed an intra-court appeal (LPA-1926-2017), with a grievance that other employees, who were junior to him, were retained and even regularized, in an apparent violation of the principle of “*Last Come First Go*”. Considering the said submission, the Division Bench of this Court, observed that in case, such a plea was raised, though the same was not noticed or recorded, the applicant could raise this issue by filing a review petition, at the first instance. Consequently, the appeal was withdrawn, with the liberty aforesaid. The relevant part of the order is extracted hereinbelow:-

“Learned counsel for the appellant contends that his grievance is that there were other employees who were junior to him whose services ought to have been dispensed with rather than the appellant on the principle of 'last come first go'.

We do not notice any such plea. It is now contended that this argument was raised before the learned Single

Judge. If that is so, then it was open to the appellant to raise this issue before the learned Single Judge in the first instance by filing a review petition. For the present, we do not find any infirmity in the approach of the learned Single Judge.

Learned counsel for the appellant confronted with this situation prays for permission to withdraw the instant appeal with liberty to pursue his remedy with the learned Single Judge”

Dismissed as withdrawn with the liberty aforesaid granted.”

6. At the outset, this Court confronts learned counsel for the applicant-petitioner with the order dated 08.12.2011, vide which, notice of motion was issued on the limited aspect of granting suitable compensation to the petitioner, as he had worked for more than 240 days in the preceding year of his employment, but his prayer for reinstatement was specifically declined. The relevant part of the order is extracted hereinafter:-

“The petitioner was also amongst the back door entrants who were employed as Helpers-cum-Chowkidars by respondent No.2 without any advertisement or any test/interview consistent with the principles of equality. That being so and even if the petitioner’s plea that he had worked for more than 240 days is accepted, the relief of reinstatement in service can not be granted to him. The prayer to this effect is declined. However, it does appear

from the documents (Exhibits M-3 to M-30) that the petitioner worked for more than 240 days preceding his retrenchment and in that event some suitable compensation keeping in view the length of period for which he served, can be awarded.

Let notice of motion on this limited issue be issued for 23.2012.”

7. In response, learned counsel for the applicant-petitioner submits that since applicant-petitioner was granted liberty by the Division Bench to agitate the issue of reinstatement, therefore, he has every right to address arguments on this issue.

8. This Court finds that, in fact, the instant review application is misconceived and there is concealment on the part of the applicant-petitioner. It appears that notice of motion order was never brought to the notice of the LPA Bench. It is a matter of record that, liberty was granted to raise the abovesaid issue on the averment made by learned counsel for the applicant-petitioner, but no right was conferred upon the applicant-petitioner to agitate the issue of reinstatement, which had already been declined, at the time of issuance of notice of motion. Moreover, A Coordinate Bench, while drawing the final order, took into consideration all the aspects, and accordingly, granted a compensation of Rs.1,50,000/- to the applicant-petitioner..

9. In the wake of the position, as narrated above, this Court is of the considered opinion that there is no reason, much less plausible, to re-open the case. In fact, the applicant intends to re-argue the case, under the garb of review, which is not permissible. Even at the cost of repetition, it needs to be noticed that he cannot be allowed to seek review

for reinstatement, which was declined at the time of issuance of notice of motion, and the writ petition survived only on the issue, as to whether, petitioner was eligible for some suitable compensation, keeping in view the length of service rendered by him.

10. The facts recorded above clearly demonstrate that there has been persistent attempt on the part of the applicant-petitioner to conceal the notice of motion order dated 08.12.2011. Considering the manner and ground on which, the instant review application is filed, this Court is of the view that the same is liable to be dismissed with exemplary cost. However, keeping in view the petitioner’s status, being a poor workman, and taking a lenient view, this Court refrains itself from imposing cost.

11. Accordingly, the review application is **dismissed**.

(KULDEEP TIWARI)
JUDGE

04.09.2025
Ak Sharma

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