
(2011) 08 J&K CK 0019

In the Jammu And Kashmir High Court

Case No : Review (SWP) No. 13 of 2011 in Service Writ Petition (SWP) No. 2457 of 2001

Jakar Ram and Others

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision : 10-08-2011

Acts Referred:

Citation : (2011) 3 JKJ 291

Hon'ble Judges : Muzaffar Hussain Attar, J

Bench : Single Bench

Judgement

Muzaffar Hussain Attar, J.—This review petition is filed by Makhna Devi, daughter of Jakar Ram, Ram Dass, Shiv Ram, Krishan Lal and

Ambi all sons of Jakar Ram-deceased (writ petitioner in SWP No. 2457/2011) on the grounds that during the pendency of the writ petition. Jakar

Ram-writ petitioner died in the year 2006, leaving behind aforesaid daughter and sons It is further submitted in the review petition that CMP

No. D-2325 was filed praying therein that legal representatives or deceased Jakar Ram be brought on record so as to enable them to prosecute

the writ petition.

2. On the date writ petition was decided no body appeared on behalf of the writ petitioner and even counsel for the respondents did not inform the

Court about the application already filed by the legal representatives of Jakar Ram-writ petitioner deceased wherein they had prayed that they be

substituted as writ petitioners in place of deceased father Jakar Ram.

3. Perusal of the writ record reveals that CMP No. D-2325/2010 is on record. Writ petition was disposed of vide order dated 10.05.2011.

4. This review petition is required to be allowed for the reason that Jakar Ram deceased had sought retrial benefits in the writ petition, which were illegally denied to him. On his death, his legal representatives are entitled to receive these benefits. Legal representatives have filed application way back in the year 2010 seeking their impleadment being legal representatives of writ petitioner-Jakar Ram. Mistake of the Court is apparent on the face of the record inasmuch, as said application has not been considered. This Court being constitutional Court is duty bound to administer justice and correct the mistakes which stare at it. Power of this Court to administer justice, however, is not shackled hand and foot which would prevent it to deal with the situation as has arisen in this case. The judgment of the Court passed in SWP No. 2456/2001 will be rendered meaningless, if its benefits are not translated into reality. Review petitioners, in the facts and circumstances of this case would be deemed to be the writ petitioners in SWP No. 2457/2001 and would be entitled to receive the benefits which flow from the said judgment. The respondents are duty bound to pass orders in terms of the judgment of the Court passed in SWP No. 2457/2001 in favour of the review petitioners or those amongst them who would be found eligible to receive pensionary benefits in accordance with the rules.

5. This petition is, accordingly, disposed of. This order shall be deemed to be part of judgment dated 10.05.2011 passed in SWP No. 2457/2001.