
(2016) 03 SHI CK 0139
In the High Court Of Himachal Pradesh
Case No : Review Petition No. 115 of 2015

Surjeet Kumar

APPELLANT

Vs

State of H.P.

RESPONDENT

Date of Decision : 16-03-2016

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 47 Rule 1, 115

Citation : (2016) ILRHP 335

Hon'ble Judges : Mansoor Ahmad Mir, CJ. and Tarlok Singh Chauhan, J.

Bench : Division Bench

Advocate : Mr. Avneesh Bhardwaj, Advocate, for the Petitioners; Mr. Shrawan Dogra, Advocate General with M/s Romesh Verma and Anup Rattan, Additional Advocate Generals and Mr. J.K. Verma, Deputy Advocate General, for the Respondent-State

Final Decision : Dismissed

Judgement

Mansoor Ahmad Mir, C.J.(Oral)—Petitioners, by the medium of this Review Petition, are seeking review of the judgment dated 31.12.2014 made by this Court in CWP No. 9266 of 2014 titled Harish Kumar and another v. State of H.P. and others along with connected writ petition No.8368 of 2014 titled Sudha and others v. State of H.P. and others. It is apt to reproduce paras 12 and 13 of the said judgment herein.

"12. Accordingly, the writ petitions are allowed. The Tentative Seniority List issued vide office order No. EDN-SLN-Elem.(E.III) Sty-1/2014-15925-32 and office order No. EDN-H (2) 7/2014-Pro-JBT-NM dated 21.10.2014, in both the writ petitions, so far it relate to private respondents and the persons who are ranking below in the merit list, is quashed and respondents are directed to issue fresh seniority list, strictly as per the merit obtained, in terms of the selection process and make the promotions, strictly, as per the Rules, occupying the field.

13. It goes without saying that promotions of the persons, who are ranking above in the merit, to the writ petitioners, be kept in tact and the cases of only

those persons, who are ranking below in the merit list, be considered, afresh while making exercise for promotions along with the writ petitioners and other persons eligible for consideration. The entire exercise be done within two months from today."

2. It is stated that the petitioners were not parties in the writ petition before the Writ Court. The learned counsel for the petitioners was not able to show what is the error apparent on the face of the record and also how the judgment made by this Court is illegal. However, the Review Petition is not in tune with the law laid down by this Court and the apex Court. The learned counsel for the petitioners is not able to carve out a case for review in terms of Section 114 read with Order 47 of the Code of Civil Procedure.

3. It is apt to record herein that this Court has already laid down the parameters in the judgments rendered in Review Petition No. 56 of 2014, titled as Ranjeet Khanna v. Chiragu Deen and another, decided on 8th August, 2014 and Review Petition No. 65 of 2015, titled as Union of India & others v. Paras Ram, decided on 25th June, 2015.

4. The learned counsel for the petitioners further argued that the respondents have passed orders Annexures R1 and R5, in terms of the judgment under review. The petitioners are at liberty to seek appropriate remedy, if they are aggrieved by the follow up orders.

5. No case for review is made out. The Review petition is accordingly dismissed, along with pending applications, if any.