

R.A. No. 159/94
MA.. No. 1311/92
OA No. 356/91

23

5.5.1994

Present: Shri Shanker Raju, Counsel for the applicant

Ex-constable Anang Pal Singh filed O.A. No.356/91 decided by the order dated 22.5.1992 upholding the order of dismissal against the applicant dated 2.5.1990. The applicant preferred a Review Application No. 199/92 making certain averments regarding errors apparent on the face of the judgement dismissing the original application That R.A. was dismissed after hearing the applicant on 5.6.1992. Thereafter the present R.A. was filed on 15.4.1994 with Misc. Application No. 1311/94 praying for condonation for delay. The contention of the learned counsel is that there are certain developments after the order of dismissal was passed and in view of this he could not bring these facts while pursuing the earlier R.A.No. 199/92. He therefore filed this R.A. to review the judgement passed in O.A. No. 22.5/.1992. We have gone through the M.A. for condonation of delay. Irrespective of the maintainability of the second R.A. we do not find any ground in this R.A. for entertaining this second R.A. almost after about two years. The M.A. No. 1311/94 does not make any substantial or reasonable cause which prevented the applicant to pursue the matter even for 2nd review within time. Normally the time is one month from the receipt of the order and if the contention of the learned counsel is accepted without reservation the second R.A. can be preferred only one month after the decision of the R.A. of 5.6.1992. Thus, this M.A. is dismissed having no reasonable and substantial cause for condoning delay.


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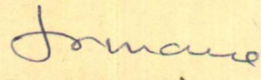
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Regarding the maintainability of the 2nd R.A. Order 47 Rule 9 specifically laid down that no review will lie against the judgement passed in review. The learned counsel however supports his contention by referring to a fact that he can very well come for second review of the original judgement i.e. the judgement passed in O.A. No. 356/91 of 22.5.1992 and in this connection he has referred to a precedent of Lahore High Court but he is not having any journal to support the facts or the ratio of that case. He is referring that case from the digest and therefore we cannot make out any substance out of that.

We, therefore, find that this second R.A. is not maintainable so also the M.A. hence dismissed.


(B.K. Singh)
Member(A)


(J.P. Sharma)
Member (J)

Mittal