

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Review Petition (Writ) No. 74/2009

Shri B.S. Yadav S/o Shri Man Singh Commandant, C/o Dy.
Inspector General, Ajmer.

-----Petitioner

Versus

1. The Union of India, Ministry of Home Affairs, New Delhi through its Secretary.
2. The Director General, Central Reserve Police Force, CGO Complex Lodhi Road, New Delhi-3.
3. The Dy. Inspector General, CRPF, Ajmer.

-----Respondent

For Petitioner(s)	:	Mr. Ashish Kumar
For Respondent(s)	:	Mr. Neeraj Batra, G.C. with Ms. Gunjan Chawla

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

10/03/2026

1. Instant S.B. civil review petition under Order XLVII Rule 1 read with Section 114 of CPC is filed against order dated 01.06.2001 passed a Coordinate Bench of this Court in Writ Petition No.2745/1991.
2. A Coordinate Bench while considering Writ Petition No.2745/1991 has directed as under:-

After hearing learned counsel for petitioner I am satisfied that proper opportunity has not been given to petitioner to represent his case. The respondents have not produced any document or record to show and established that proper and effective opportunity is give to the petitioner to represent his case. In view of this factual position it is difficult to accept the case of

respondents. The order of respondents denying the actual service benefits of the intervening period to petitioner is wholly arbitrary and perverse and cannot be allowed to stand. Once the order of premature retirement of petitioner is withdrawn the petitioner is entitled for the actual service benefits, unless there are justified and reasonable reasons for not giving the actual service benefits, which has not been shown in this case by the respondents.

As a result of aforesaid discussion, the writ petition succeeds and same is allowed. The impugned order dated 24.12.90 passed by Director General, CRPF is quashed and set aside. It is hereby declared that the petitioner shall be entitled for the actual service benefits of the intervening period i.e. 16.4.88 to 9.1.90. The benefits of the intervening period of the petitioner be determined within a period of two months, from the date of receipt of certified copy of this order. The amount found payable to the petitioner on determination be paid to him within one month next.

The petitioner has been wrongly and illegally deprived of his due service benefits, therefore, the petitioner shall also be entitled for the interest at the rate of 12% from the date of filing of the writ petition till actual payment of the amount. It is a fit case where the petitioner is to be awarded the costs. Accordingly, the respondents are directed to pay Rs. 2000/- to petitioner as a costs of this petition.

3. Instant review petition is filed by the respondents applicants to review the directions passed by a Coordinate Bench of this Court. The grounds of review is prima facie error on face of record. The counsel for applicant has referred provision of F.F. 56 (j) read with Rule 43 (c) of the CRPF Rule 1955. The counsel has further submitted that the representation of writ petitioner was rejected by the Secretary after considering the entire service record. He also submitted that writ petitioner has admittedly

retiral prematurely with effect from 14.08.1988 and he ceased to exist as a member of force.

4. We have considered the review petition which has been filed after a substantial delay. We have gone through the grounds as mentioned by the petitioner and also perused the reasons as assigned by a Coordinate Bench in order dated 01.06.2001. After considering the same, we are of the view there exist no ground to review the order passed by a Coordinate Bench as no case is made out to review the order.

5. This Bench is not sitting as an Appellate Court to consider the order, which was passed on merits. There is no error on face of record, as the order was passed on merits.

6. In view of discussion made herein above, the review petition is hereby dismissed.

(ASHOK KUMAR JAIN),J