

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Review Application No. 796 of 2012
(Delay Condonation Application No.10934 of 2012)

IN

Writ Petition (S/B) No. 1628 of 2002

Devi Sahai Applicant/Petitioner

Versus

Chairman, Ganga Yamuna Gramin Bank,
Dehradun and another Opp.parties/ Respondents

Present: Mr. B.N. Molekhi, Advocate for the applicant/petitioner.
Mr. D.S. Patni, Advocate for the Opp.parties/respondents.

**Coram : Hon'ble Barin Ghosh, C.J.
Hon'ble U.C. Dhyani, J.**

BARIN GHOSH, C.J. (Oral)

The learned counsel for the opposite parties does not wish to seriously oppose the application for condonation of delay in preferring the review application. We have also independently considered the application for review and being satisfied with the sufficiency of the reasons for delay, allow the application and thereby condone the delay in preferring the review application.

2. Heard learned counsel for the parties on the review application.

3. It is the contention of the review applicant that with the writ petition a supplementary affidavit was filed, where it was indicated that soon after the notice of the inquiry was issued, petitioner was transferred and, accordingly, a case for inability to participate in the inquiry was made out. The fact remains, that in the petition itself, the stand was taken by the petitioner that he boycotted the inquiry. In that background, a subsequent change of the stand, as was originally taken, could not be taken into account and, accordingly, while passing the judgment under review, the

Court considered only the pleadings as were filed in the writ petition and not an altered pleading, as was filed in the supplementary affidavit. There is, therefore, no error on the face of the records in the order under review.

4. The application fails and the same is dismissed.

(U.C. Dhyani, J.)
15.10.2012

(Barin Ghosh, C.J.)
15.10.2012

P. Singh