

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Civil Review No.143 of 2012
Reserved on: 25.2.2013.
Date of decision : 28.2.2013

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1. Himachal Pradesh State Forest Corporation Limited, through its Managing Director, Kasumpti, Shimla-9.
 2. Himachal Pradesh Forest Corporation Limited, through its Divisional Manager, Division at Chamba, District Chamba, Himachal Pradesh.

... Petitioners.

Versus

Rajesh Kumar Thakur son of Shri Partap Chand, Resident of village Karyaan, Post Office Bharian Kothi, District Chamba, H.P.

...Respondents.

**Review Petition under Order 47
Rule 1 & 2 of the CPC.**

Coram

The Hon'ble Mr. Justice Deepak Gupta, Judge.
The Hon'ble Mr. Justice V.K.Ahuja, Judge.

Whether approved for reporting?¹ No.

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| For the petitioners: | Ms. Ranjana Parmar, Advocate. |
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| For the Respondent: | Mr. G.D.Verma, Sr. Advocate with Mr. B.C.Verma, Advocate. |
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Per Deepak Gupta, J.

1. This review petition has been filed seeking review of the judgement dated 9th April, 2012 whereby LPA No.45 of 2008 filed by the petitioner i.e. H.P.State Forest Corporation Ltd. was dismissed.

¹ ***Whether the reporters of the local papers may be allowed to see the Judgment? Yes.***

2. The main ground raised in the review petition is that this Court was not apprised of the judgement of another Division Bench of this Court delivered on 4th May, 2011 in CWP No. 5907 of 2010 and other connected matters, in which the claim of the similarly situated workmen was rejected.
3. At this stage we would like to point out that one Division Bench of this Court vide its judgement dated 19.11.2009 in L.P.A No. 66 of 2008 granted relief to the identically placed workmen. We had on the basis of the said judgement granted relief to the workmen only on the ground that their case was squarely covered by the judgement delivered by Division Bench of this Court in LPA No. 66 of 2008. When this matter was heard by us the judgement dated 4th May, 2011 was admittedly not brought to our notice. There are two conflicting judgements of this Court and at this stage we would like to point out that the judgement we had followed i.e. the earlier judgement delivered on 19.11.2009 has been affirmed by the Apex Court.
4. We, therefore, find no error apparent on the face of the record and see no reason to review our earlier judgement. The review petition is accordingly dismissed. In view of the fact that there are conflicting judgements of the Division Benches, we further direct that the judgement in this case shall not be treated as a precedent in any other matter.

(Deepak Gupta), J.

28th February, 2013
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(V.K.Ahuja), J.

