

RA-CW-400-2024, CM-15706-CWP-2024 in CWP-13551-2017

OM PRAKASH RANA

.....PETITIONER

VERSUS

STATE OF HARYANA AND ORS

.....RESPONDENTS

Present: Ms. Nandini Gupta, Advocate for  
Mr. Abhilaksh Grover, Advocate  
for the applicant/respondent  
Mr. R.D. Sharma, DAG Haryana  
Mr. Kapil Aggarwal, Advocate for  
the petitioner/non-applicant.

\*\*\*\*\*

This is an application under Order 47 Rule 1 read with Section 151 of CPC for review of the judgment and order dated 16.08.2023 passed by this Court.

For the reasons mentioned in the application as well as submissions made by learned counsel for the applicant/respondent, the same is allowed.

The order dated 16.08.2023 is hereby reviewed and corrected and para 5 would now read as under:-

*“This Court finds that the impugned order dated 19.12.2008 (Annexure P-7) whereby the petitioner was removed from service w.e.f. 01.02.2006, cannot be sustained in the eyes of law. The record reveals that the petitioner had duly explained his absence from duty on medical grounds, supported by medical document produced by the petitioner showing that he was under depression, which is a mitigating circumstance beyond his control. The respondents have failed to establish that the petitioner’s absence was wilful or contumacious so as to warrant the extreme penalty of removal. ”*

The application is therefore, disposed off.

Pending application(s), if any shall disposed off, accordingly.

12.09.2025

Meenu

(SANDEEP MOUDGIL)  
JUDGE