

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT
SRINAGAR**

Reserved on: 10.10.2025

Pronounced on: 26.12.2025

Uploaded on: 26.12.2025

*Whether the operative part or full
judgment is pronounce: **Full***

RP No.46/2025

SHAHJEHAN RATHER & ORS.

...PETITIONER(S)

*Through: - Mr. R. A. Jan, Sr. Advocate, with
Mr. Wahid Lone, Advocate.*

Vs.

UNION OF INDIA & ORS.

...RESPONDENT(S)

*Through: - Mr. S. N. Ratanpuri, Advocate, with
Ms. Fiza, Advocate
Mr. T. M. Shamsi, DSGI, with
Ms. Rehan Qayoom, Advocate.*

**CORAM: HON'BLE Mr. JUSTICE RAJNESH OSWAL, JUDGE
HON'BLE Mr. JUSTICE MOHD YOUSUF WANI, JUDGE**

JUDGMENT

OSWAL 'J'

1) The petitioners are seeking review of the judgment dated 09.04.2025 passed by this court, whereby the writ petition preferred by the petitioners challenging the order dated 26.07.2021 passed by the learned Central Administrative Tribunal, Jammu, has been dismissed.

2) It is stated that in paras (2) to (7) of the judgment under review, the broader contours of the case urged by the petitioners have been noticed but not taken into

consideration by this Court while rendering the judgment and further that the respondents in their reply, as noticed in para (8) of the judgment under review, having not traversed the case of the petitioners projected in the writ petition, thus in law are deemed to have admitted the case of petitioners, but this court has not appreciated this aspect of the case.

3) Heard learned counsel for the parties and examined the judgment under review.

4) This Court while rendering the judgment under review in paras (13) and (15) has considered the contentions of the petitioners regarding the casual assignees and has further recorded that the affidavit filed by the respondents in compliance to order dated 1st October, 2024, mentions the details of 18 persons working pursuant to the court orders and the number corresponds to the information brought on record by the petitioners through the medium of information obtained under Right to Information Act.

5) After having gone through the contents of the review petition, we find that the petitioners intend to re-agitate the issues which stand already considered and decided by this Court. The issue as to whether this Court has correctly interpreted the stand of either of the parties cannot be a subject matter of review. The scope of review is very limited in

nature, and it cannot be extended to the extent of rehearing the issues, already considered and decided by the Court. Even if it is assumed that the view taken by this Court is not correct, still it cannot be a ground for review. A mere repetition of old and overruled arguments are insufficient for exercising jurisdiction of review. The power of review can be exercised for the correction of a mistake but not to substitute a view. Such power can be exercised within the limits specified in the statute governing the exercise of such power. Support for this position is found in the Hon'ble Supreme Court's decision in **Malleeswari v. K. Suguna and Another, 2025 SCC OnLine SC 1927**, which observed:

15.2 Review is not to be confused with appellate powers, which may enable an appellate court to correct all manner of errors committed by the subordinate court.

15.3 In exercise of the jurisdiction under Order 47 Rule 1 of CPC, it is not permissible for an erroneous decision to be reheard and corrected. A review petition, it must be remembered, has a limited purpose and cannot be allowed to be an appeal in disguise.

15.4 The power of review can be exercised for the correction of a mistake, but not to substitute a view. Such powers can be exercised within the limits specified in the statute governing the exercise of power.

15.5 The review court does not sit in appeal over its own order. A rehearing of the matter is impermissible. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered. Hence, it is invoked only to prevent a miscarriage of justice or to correct grave and palpable errors.

16. To wit, through a review application, an apparent error of fact or law is intimated to the court, but no extra reasoning is undertaken to explain the said error. The intimation of error at the first blush enables the court to correct apparent errors instead of the higher court

correcting such errors. At both the above stages, detailed reasoning is not warranted.

17. Having noticed the distinction between the power of review and appellate power, we restate the power and scope of review jurisdiction. Review grounds are summed up as follows:

17.1 The ground of discovery of new and important matter or evidence is a ground available if it is demonstrated that, despite the exercise of due diligence, this evidence was not within their knowledge or could not be produced by the party at the time, the original decree or order was passed.

17.2 Mistake or error apparent on the face of the record may be invoked if there is something more than a mere error, and it must be the one which is manifest on the face of the record. Such an error is a patent error and not a mere wrong decision. An error which has to be established by a long-drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record.

17.3 Lastly, the phrase ‘for any other sufficient reason’ means a reason that is sufficient on grounds at least analogous to those specified in the other two categories.

(emphasis added)

6) For what has been discussed hereinabove, we do not find any error apparent on the face of record which would warrant exercise of jurisdiction of review by this Court. The review petition is, accordingly, dismissed.

(MOHD YOUSUF WANI) (RAJNESH OSWAL)
JUDGE JUDGE

JAMMU
26.12.2025
Karam Chand

Whether the judgment is reportable: No