

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 50 of 2015

1. Sachitanand Pal S/o Amardev Pal Aged About 25 years R/o Village Sonhat Tehsil-Sonhat, Civil / Revenue Distt. Korla Chhattisgarh
2. Ashok Kumar S/o Late Ramjeet Aged About 39 Years R/o Village Sonhat Tehsil Sonhat, Civil / Revenue Distt. Korla Chhattisgarh

---- Applicants

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Aadim Jati & Anusuchit Jati Vikas Mantralaya Mahanadi Bhawan, Naya Raipur Chhattisgarh
2. Commissioner Department Of Aadim Jati & Anusuchit Jati Vikas Chhattisgarh Raipur Chhattisgarh
3. Assistant Commissioner Tribal Development Department Distt. Korla Chhattisgarh
4. Shivnarayan Rajwade S/o Late Balsai Aged About 35 Years R/o Village Katgodi Civil/revenue Distt. Korla Chhattisgarh
5. Adheer Singh S/o Tapeswar Aged About 38 Years R/o Village Katgodi Civil/revenue Distt. Korla Chhattisgarh
6. Gopal Singh S/o Budhram Aged About 39 Years R/o Village Katgodi, Civil / Revenue Distt. Korla Chhattisgarh

---- Respondents

(Application for review of the order dated 29.04.2015 passed in W.P. (S)
No.1486/2015

(By circulation in chamber)

S.B. : Hon'ble Mr. Justice Prashant Kumar Mishra

04/08/2015

1. The matter is taken up for consideration in the chamber under provisions of sub-rule (2) of Rule 90 under Chapter VI of the High Court of Chhattisgarh Rules, 2007.

2. The review petitioners, who were the writ petitioners No.1 & 2 in W.P. (S) No.1486/2015 seek review of the order dated 29.04.2015 passed in the aforesaid writ petition solely on the ground that they have made specific pleadings in paras 8.2, 8.3 & 9.4 of the writ petition that they had been appointed by issuing appointment orders as per the then existing instruction contained in circular of 1996 and 1999 and hence, they should be considered for absorption as per latest circular dated 07.03.2002. According to the review petitioners since they were relying upon the document (Annexure-P-4) of the writ petition, which shows that appointment orders were issued to the review petitioners and as such, they have not filed the relevant copies of appointment order with the writ petition. Moreover the writ petition was dismissed at the motion stage itself and as such, they could not get proper opportunity to produce the copies of the appointment orders along with writ petition.
3. On going through the record of WP(S) No.1486/2015, it appears that no appointment order has been filed by the review petitioners in spite of the fact that they are in possession of the appointment orders, as contended aforesaid. Even during the course of the argument also, learned counsel appearing on behalf of the writ petitioners, has not pointed out the fact regarding issuance of appointment orders. He has not sought for any time to produce the relevant documents. This Court after hearing learned counsel appearing for both the parties and considering all the aspects of the case in its letter and spirit has passed the order.
4. There is no other ground pointed out by the petitioner showing any manifest error on the record and has not further brought into the notice, any new facts, which could not be produced earlier despite diligent efforts made by the petitioner. It is well settled principles of law

that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of the Code of Civil Procedure. Even in exercise of review jurisdiction by the High Court under Article 226 of the Constitution, the petitioner has not produced any ground for review.

5. It is well settled principle of law that under the garb of review petition, the petitioner should not be permitted to argue the entire case afresh, which would amount to convert the review petition into an appeal and the same is not sustainable in law. (See: Meera Bhanjan v. Smt. Nirmal Kumar Chowdhary, AIR 1995 SC 455, Lily Thomas etc. v. Union of India and others, AIR 2000 SC 1650, Ajit Kumar Rath v. State of Orissa and others, AIR 2000 SC 85, Government of T.N. & Others v. M. Ananchu Asari and others, (2005) 2 SCC 332, and Kerla State Electricity Board v. Hitech Electrothermicism & Hydropower Ltd. and others, (2005) 6 SCC 651.
6. As a sequel, the review petition, *sans substratum* is liable to be and is hereby dismissed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA