

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Review Petition No. 72 of 2015**

Bhanupratap Shukla S/o Late Ashok Kumar Shukla, Aged About 38 years, R/o Mohtara, Post Office Latuwa, Tahsil & District Balodabazar-Bhatapara (Chhattisgarh).

---- Petitioner**VERSUS**

1. Chhattisgarh State Power Distribution Corporation Limited (Successor Company Of Chhattisgarh State Electricity Board), Through Its Managing Director, Daganiya, Raipur, District Raipur Chhattisgarh
2. The Superintending Engineer, O & M Division CSPDCL, Bhatapara, District Balodabazar Bhatapara (Chhattisgarh).

---- Respondents

Application for review U/s 114 read with Order 47 Rule 1 of CPC arising out of the order dated 30.03.2015 passed in WP(S) No. 1095 of 2015.

(By Circulation in Chamber)
Order

07/08/2015

1. The matter is considered in chamber under the provisions of Rule 90(2) of the High Court of Chhattisgarh Rules, 2007.
2. By this review petition, the review petitioner seeks review of order dated 30.03.2015, passed by this court in WP(S) No.1095 of 2015 (Bhanu Pratap Shukla Vs. Chhattisgarh State Power Distribution Company Ltd. & Another).

3. The order against which this review petition has been filed is an order passed in a Petition which was filed seeking for a direction to the respondents to consider the case of the petitioner for grant of compassionate appointment.
4. The relevant dates and facts for deciding this review petition is that, the father of petitioner died in harness on 05.04.1999 while he was serving with the respondents. Though the father of petitioner died in May, 1999, the writ application seeking direction to the respondents for compassionate appointment was filed after a period of more than 15 years. This court, considering the arguments advanced by the counsel for the parties, particularly taking note of inordinate and unexplained delay on the part of petitioner in approaching the writ court, by order dated 30.03.2015 dismissed the petition holding it to be devoid of merit.
5. It is this order dated 30.03.2015 which is now being sought to be reviewed through the review petition preferred by the petitioner.
6. The sole ground which emerges from the perusal of review petition is that this High Court in other similar set of petitions has directed the respondent authorities to consider the case of petitioners in accordance with law, and therefore, this court may also recall the impugned order dated 30.03.2015 and pass similar order as has been passed in other set of writ petitions by the Co-ordinate Bench.
7. Except for the aforesaid reason, there is no other reason or grounds raised for entertaining the review petition. The review petitioner has not further brought into the notice any new fact which could not be produced earlier despite diligent efforts made by the petitioner. Moreover the said

order has been passed after considering the arguments advanced by the parties.

8. From perusal of review petition it is clearly culled out that the petitioner wants this court to recall its order dated 30.03.2015 and pass fresh order as has been passed in some other petitions of similar nature which is definitely not a ground calling for review of order. Re-appreciation of the facts of the case and passing of fresh order by exercising the review petition is not permissible under law. 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.
9. From the pleadings what appears is that the petitioner wants this court to recall the order only because there was another possible view which this court could have taken and which perhaps has been taken by the Co-ordinate Bench in other similar set of petitions. In the opinion of this court, this can never be a ground for reviewing the order particularly when the impugned order has been passed on merits in presence of both the parties. The petitioner has not raised any grounds showing an error to have been committed by this court while passing the said order except for the fact that according to him since the Co-ordinate Bench has decided similar matters by taking a different view, this court should recall its order and pass like orders as has been passed by the Co-ordinate Bench.
10. A judgment passed by Co-ordinate Bench in some similar set of petitions taking a different view can never be a ground for review of the order in a petition which has been decided by a court on its merits taking a different

view.

11. Principle of law to entertain review petition is well settled by several judicial pronouncements of the Supreme Court in the cases of *Smt. Meera Bhanja vs. Smt. Nirmala Kumari Choudhary*¹, *Lily Thomas, etc. vs. Union of India and others*², *Ajit Kumar Rath vs. State of Orissa and others*³, *Government of T.N. and others vs. M. Ananchu Asari and others*⁴ and *Kerla State Electricity Board vs. Hitech Electrothermics & Hydropower Ltd. and others*⁵.
12. Thus, applying the above well settled principles of law to the facts of the present case, there is no ground available for review of the order dated 30.03.2015. Under the garb of the review petition, the petitioner seeks an opportunity to argue the entire case afresh which would amount to converting the review petition into an appeal and the same is not sustainable in law.
13. As a result and in view of the foregoing, this review application is dismissed. No order as to costs.

Sd/-
(P.Sam Koshy)
JUDGE

inder

1 AIR 1995 SC 455
2 AIR 2000 SC 1650
3 AIR 2000 SC 85
4 2005 (2) SCC 332
5 2005 (6) SCC 651