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HIGH COURT OF CHHATTISGARH, BILASPUR**Review Petition No. 61 of 2015**

1. State of Chhattisgarh Through The Chief Secretary, Public Works Department, Mantralaya, D.K.S. Bhawan, Raipur, Chhattisgarh
2. The Engineer In-Chief, Public Works Department, Government Of Chhattisgarh, Near Raj Bhawan, Raipur, District- Raipur, Chhattisgarh
3. The Superintending Engineer, Public Works Department, Raipur Division, Raipur District- Raipur, Chhattisgarh
4. The Executive Engineer, Public Works Department, Tehsil And Division Raigarh, District Raigarh, Chhattisgarh
5. The Sub Divisional Engineer, Public Works Department, Tehsil Baramkela Division Raigarh District- Raigarh, Chhattisgarh

---- Petitioners

Versus

Sukhru S/o Shri Kuber Aged About 63 Years R/o Village : Vishnupali,
Post Dumdama, Tahsil Baramkela, District- Raigarh, Chhattisgarh

---- Respondent

And**Review Petition No. 105 Of 2015**

State of Chhattisgarh through The Secretary, Public Works Department, Mantralaya, D. K. S. Bhawan, Raipur, Chhattisgarh [now Mahanadi Bhawan, Mantralaya, Naya Raipur, Chhattisgarh]

---- Petitioner

Vs

Devantin Bai D/o Bodhan Gond, Aged About 62 Years Retired As Work Charged Labour, Sub Division Gunderdehi, P.S. And Tahsil Gunderdehi, Durg, District Durg, Chhattisgarh [now District Balod, Chhattisgarh]

---- Respondent

And**Review Petition No. 102 Of 2015**

1. State Of Chhattisgarh Through The Secretary, Public Works Department, Mantralaya, Naya Raipur, Chhattisgarh
2. The Superintending Engineer, P W D, Durg Mandal, Distt. Durg, Chhattisgarh
3. The Executive Engineer P W D (B & R) Division Office, Khairagarh, Distt. Rajnandgaon, Chhattisgarh
4. The Sub Divisional Officer, P W D (B & R), Sub Division Office, Chhuiekhadan Distt. Rajnandgaon, Chhattisgarh

---- Petitioners

Vs

1. Lakhanram Sahu S/o Anoop Sahu, Aged About 63 Years R/o Village Raimadwa, P. S. Gandai, Distt. Rajnandgaon, Chhattisgarh
2. Taturam Sen S/o Tulsiram, Aged About 63 Years R/o Village Sarrakapa, P. S. Gandai, Distt. Rajnandgaon, Chhattisgarh
3. Amar Ram S/o Khorjhara, Aged About 63 Years R/o Village Chuchurungpur, P. S. Gandai, Distt. Rajnandgaon, Chhattisgarh
4. Jeevrakhan Sahu S/o Itwari Sahu, Aged About 63 Years R/o Village Chuchurungpur, P. S. Gandai, Distt. Rajnandgaon, Chhattisgarh
5. Bhuri Bai W/o Bharat, Aged About 63 Years R/o Village Khadi P. S. Salhewara, Distt. Rajnandgaon, Chhattisgarh

---- Respondents

And

Review Petition No. 103 Of 2015

1. State of Chhattisgarh, Through The Chief Secretary, Public Works Department, Mantralaya, D. K. S. Bhawan, Raipur, Chhattisgarh [Now Mahanadi Bhawan, Mantralaya, Naya Raipur, Chhattisgarh]
2. The Engineer - In - Chief, Public Works Department, Government Of Chhattisgarh, Near Raj Bhawan, Raipur District Raipur, Chhattisgarh
3. The Superintending Engineer, Public Works Department, Raipur Division, Raipur District- Raipur, Chhattisgarh
4. The Executive Engineer, Public Works Department, Tahsil And Division Raigarh, District Raigarh, Chhattisgarh
5. The Sub Divisional Engineer, Public Works Department, Tahsil Baramkela Division Raigarh District Raigarh, Chhattisgarh

---- Petitioners

Vs

1. Kunti Bai W/o Shri Lambodhar Sidar, Aged About 63 Years R/o Village Pandri Pani, Post Jurda, P. S. Chakradhar Nagar, Tahsil & District Raigarh, Chhattisgarh
2. Ishwar Chouhan S/o Shri Ram Singh, Aged About 63 Years R/o Banjeenpali, Jutemill Road, P. S. Jutemill, Tahsil And District Raigarh, Chhattisgarh

---- Respondents

And

Review Petition No. 104 of 2015

1. State Of Chhattisgarh Through The Chief Secretary, Public Works Department, Mantralaya, D. K. S. Bhawan, Raipur, Chhattisgarh
2. The Engineer - In - Chief, Public Works Department, Government Of Chhattisgarh, Near Raj Bhawan, Raipur District Raipur, Chhattisgarh
3. The Superintending Engineer, Public Works Department, Raipur Division, Raipur District- Raipur, Chhattisgarh
4. The Executive Engineer, Public Works Department, Tahsil And Division Raigarh, District Raigarh, Chhattisgarh
5. The Sub Divisional Engineer, Public Works Department, Tahsil Baramkela Division Raigarh District Raigarh, Chhattisgarh

---- Petitioners

Vs

Shrivats S/o Late Shri Jogi Ram, Aged About 63 Years R/o Village Barnipali, Tahsil Baramkela, District Raigarh, Chhattisgarh

---- Respondent

And

Review Petition No. 119 Of 2015

1. State Of Chhattisgarh Through The Secretary, Department Of Public Works, D. K. S. Bhawan, Raipur (Chhattisgarh) (Now Mahanadi Bhawan, Mantralaya, Naya Raipur) (Chhattisgarh)
2. The Chief Engineer Water Resources Mahanadi Raipur District Raipur (Chhattisgarh)
3. The Executive Engineer, Officer, Mahanadi Water Resources Disnet Division No. 3, Tilda, District Raipur (Chhattisgarh)
4. The Join Director, Department Of Treasury, Account And Pension, Pension Bada, Raipur (Chhattisgarh)

---- Petitioners

Vs

Sukhdeo Puri Goshwami S/o Late Gulabpuri Goshwami, Aged About 62 Years Occupation - Retired Watchman Irrigation, R/o Village Kamta, Thana Simaga, Tahsil Simaga, District Raipur (Chhattisgarh).

---- Respondent

And

Review Petition No. 120 of 2015

1. State Of Chhattisgarh Through The Secretary, Department Of Public Works, D. K. S. Bhawan, Raipur (Chhattisgarh) (Now Mahanadi Bhawan, Mantralaya, Naya Raipur) (Chhattisgarh)
2. The Chief Engineer Water Resources Mahanadi Raipur District Raipur (Chhattisgarh)
3. The Executive Engineer, Officer, Mahanadi Water Resources Disnet Division No. 3, Tilda, District Raipur (Chhattisgarh)
4. The Joint Director, Department Of Treasury, Account And Pension, Pension Bada, Raipur (Chhattisgarh).

---- Petitioners

Vs

Sanad Kumar Nayak S/o Late Prabhu Ram Nayak, Aged About 60 Years Occupation - Retired Time Keeper Irrigation, R/o Village Bartori, Post Pathari, Thana And Tahsil Tilda, District Raipur (Chhattisgarh).

---- Respondent

And

Review Petition No. 121 Of 2015

1. State of Chhattisgarh Through The Secretary, Department Of Public Works, D. K. S. Bhawan, Raipur (Chhattisgarh) (Now Mahanadi Bhawan, Mantralaya, Naya Raipur) (Chhattisgarh)
2. The Chief Engineer Water Resources Mahanadi Raipur District Raipur (Chhattisgarh)

3. The Executive Engineer, Officer, Mahanadi Water Resources Disnet Division No. 3, Tilda, District Raipur (Chhattisgarh)
4. The Joint Director, Department Of Treasury, Account And Pension, Pension Bada, Raipur (Chhattisgarh).

---- Petitioners

Vs

Smt. Uma Devi Verma W/o Late Bhagwati Prasad Verma, Aged About 60 Years R/o Village Biladi, Post Neora, Thana And Tahsil, Tilda, District Raipur (Chhattisgarh)

---- Respondent

And

Review Petition No. 123 Of 2015

1. State Of Chhattisgarh Through The Secretary, Water Resources Department, D. K. S. Bhawan, Raipur (Chhattisgarh) (Now Mahanadi Bhawan, Mantralaya, Naya Raipur (Chhattisgarh)
2. The Secretary, Ministry Of Finance And Planning Department, D. K. S. Bhawan, Raipur[ow Mahanadi Bhawan, Mantralaya, Naya Raipur (Chhattisgarh)]
3. The Chief Engineer Hasdeo Kashar, Department Of Water Resources, Bilaspur (Chhattisgarh)
4. The Executive Engineer, Khanrang, Water Resources Department, Bilaspur (Chhattisgarh).

---- Petitioners

Vs

1. Bihari Lal Jaiswal S/o Shri Nakchhed Ram Jaiswal, Aged About 61 Years R/o Chakarbhata, Tehsil Mungeli (Now Belha) District Bilaspur (Chhattisgarh)
2. The Accountant General, Pagariya Complex, Pandari, Raipur (Chhattisgarh)..

---- Respondents

For Petitioners/State:	Shri YS.Thakur, Deputy Advocate General
For respective Respondents:	Shri Anup Majumdar, Shri Rakesh Antony, Shri HS.Ahluwalia and Shri Ashok Patil.

Hon'ble The Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order On Board

Per Navin Sinha, Chief Justice

23/11/2015

1. This batch of review applications arise from common order dated 26.2.2015 passed in Writ Appeal No.281/2013 and analogous appeals.

2. Learned Deputy Advocate General for the State submitted that the Respondents were appointed under Chapter-IV of the Works Department Manual dealing with the Accounts of Works and Stores. They were not appointed under the Work Charged and Contingency Paid Employees (Appointment and Service Conditions) Rules, 1975 (hereinafter referred to as 'the Rules'). The direction to treat their services as pensionable in the impugned order suffers from error apparent on the face of the record when it proceeds on the assumption that they were appointed under the latter Rules.

3. Learned Counsel for the Respondents contended that the Review Application was not maintainable. In the garb of Review Application, the Petitioners were seeking to urge the merits of the decision all over again which is impermissible under the review jurisdiction. The order of which review is sought is reasoned and discussed. There is no error apparent on the face of the record to warrant invocation of review jurisdiction.

4. We have heard Learned Counsel for the parties. The Respondents have all worked for 25-30 years in the background of which the claim for pensionable service was raised. The scope of the review jurisdiction is narrow confined to errors apparent on the face of the record or if a relevant provision of law had been overlooked. In other words, it is only a patent error which is amenable to review and not an error which may have to be discovered by a process of reasoning and what may be called a virtual re-hearing of the matter. In the garb of a Review Petition, we cannot sit in judgment over our own order. In paragraph -3 of our order, we have set out our complete understanding of the order of the Learned Single Judge to arrive at our own reasoned conclusion.

5. We are therefore not satisfied that the Review Application is maintainable. If the Petitioners are aggrieved, the remedy is different.

6. The Review Applications are dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE