

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Review Petition No.115 of 2015**

Ved Prakash Shukla, S/o Shri Yogendra Nath Shukla, Clerk-cum-Cashier, Raigarh Kshetriya-Gramin Bank, R/o Village and Post Lailunga, Tahsil Charghoda, District Raigarh, M.P. now Chhattisgarh State

---- **Petitioner****versus**

1. The Chairman-cum-Disciplinary Authority, Raigarh Kshetriya Gramin Bank, Head Office Station Road, Raigarh, Tahsil and District Raigarh
2. Raigarh Kshetriya Gramin Bank, Head Office, Station Road, Raigarh, Through its Chairman, Tahsil and District Raigarh

---- **Respondents**

For Petitioner : Shri Surendra Prakash Sharma, Advocate

Hon'ble Shri Navin Sinha, Chief Justice**Hon'ble Shri Justice P. Sam Koshy****Order on Board****Per Navin Sinha, Chief Justice****9/10/2015**

1. Heard Learned Counsel for the Petitioner.
2. I.A. No.1 of 2015 has been filed to condone delay of 45 days in filing the review application.
3. For the reasons stated in the application for condonation of delay, it is allowed and delay is condoned.
4. We are not satisfied that any ground is made out for review of order dated 25.6.2015 in Writ Appeal No. 259 of 2015. A review application is not an appeal in disguise. The grounds taken in the review application are substantive assailing the merits of the order passed by us which can only be tested in the appellate jurisdiction.

5. We may only notice that the writ petition before the Learned Single Judge was filed by Ms. Naushina Ali, who also was the Counsel in Writ Appeal. The present review application has been filed by another Counsel Shri M.D.Dhote. In similar circumstances, the Supreme Court in (1997) 9 SCC 736 (T.N. Electricity Board v. N.Raju Reddiar) deprecated such a practice of filing review application merely by change of Counsel imposing cost of Rs. 20,000/- observing as follows:

"1....When an appeal/special leave petition is dismissed, except in rare cases where error of law or fact is apparent on the record, no review can be filed; that too by the Advocate-on-Record who neither appeared nor was party in the main case. It is salutary to note that the court spends valuable time in deciding a case. Review petition is not, and should not be, an attempt for hearing the matter again on merits. Unfortunately, it has become, in recent time, a practice to file such review petitions as a routine; that too, with change of counsel, without obtaining consent of the Advocate-on-record at earlier stage. This is not conducive to healthy practice of the Bar which has the responsibility to maintain the salutary practice of profession....."

6. We however refrain from imposing any cost. The review application is dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE