

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 171 of 2016**

- G. S. Saitandey S/o Shri Kripa Ram Saitandey, Aged About 45 Years
Occupation- Sub Post Master, S P M Raigarh, S B Raigarh, P.S. Raigarh,
District Raigarh, (Chhattisgarh)

---- Applicant**Versus**

1. The Union of India Through Secretary, Ministry Of Post, Shastri Bhawan,
New Delhi, Pin Code- 110001
2. Director, Postal Services, Chhattisgarh Circle, Raipur, Department Of Posts,
Office Of The Chief Post Master General, Chhattisgarh Circle, Raipur,
-495001 (Chhattisgarh)
3. Superintendent Of Post Offices, Office Of Superintendent Of Post Offices,
Raigarh, District Raigarh (Chhattisgarh) Pin Code 496001
4. Post Master, Raigarh Head Quarter, Office Of Post Master, Raigarh, Head
Quarter, District Raigarh (Chhattisgarh) Pin Code 496001
5. Y. R. Sinha, S/o Late Laxman Sinha, Aged About 57 Years Working As
Superintendent Of Post, Raigarh, District Raigarh, (Chhattisgarh) R/o
Quarter No.1, Postal Colony Kotra Road Raigarh, (Chhattisgarh)

---- Respondents**Application for review of the order dated 17-10-2016 passed in****WPS 5643 of 2016****By circulation in chamber****DB : Hon'ble Shri Justice Prashant Kumar Mishra and****Hon'ble Shri Justice Anil Kumar Shukla****22/12/2016****I.A. No.01**

1. This is an application for condonation of delay in filing the review petition.
2. For the reasons mentioned in the application (IA No.01), the same is
allowed and the delay of 12 days in filing the review petition is condoned.

3. 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.
4. The review petitioner seeks review of the order dated 17.10.2016 passed by this Court in WPS No.5643/2016 **{Union of India & others Vs. G. S. Saitandey}** on the grounds that the interim order was rightly granted by the Tribunal and the authorities ought not to have relieved the petitioner and further that taking shelter of the order passed by this Court staying the contempt proceedings, the respondents are not complying with the interim order passed by the Tribunal.
5. This Court passed the order dated 17.10.2016, which is sought to be reviewed herein, after hearing both the parties and this Court disposed of the writ petition with an observation that the Tribunal shall consider and decide the original application finally at the earliest, preferably within a period of two months and till then the contempt proceedings shall remain stayed.
6. On consideration of the grounds raised in the review petition, which are in the nature of taking liberty to re-argue the writ petition are unsustainable in the eyes of law.
7. 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.

8. It appears that the petitioner by presentation of this review petition seeks an opportunity to argue the entire case afresh on merits under the garb of the review petition, which is not permissible and tenable in law.

9. 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 Cohwdhary**¹, **Lily Thomas etc. v. Union of India and others**², **Ajit Kumar Rath v. State of Orissa and others**³, **Government of T.N. & Others v. M. Ananchu Asari and others**⁴, and **Kerla State Electricity Board v. Hitech Electrothermicism & Hydropower Ltd. and others**⁵).

10. In view of foregoing, the review petition, being bereft of merit, is liable to be and is hereby dismissed.

Sd/-

Judge
Prashant Kumar Mishra

Sd/-

Judge
Anil Kumar Shukla

Ashu

1 AIR1995 SC 455
2 AIR 2000 SC 1650
3 AIR 2000 SC 85
4 (2005) 2 SCC 332
5 (2005) 6 SCC 651