

HIGH COURT OF CHHATTISGARH, BILASPUR**Review Petition No. 66 of 2016**

1. Ravindra Kumar S/o Rajkishore Prasad, Aged About 40 Years Assistant Grade-
lii On Daily Wages, R/o Baigin Dabhar, Rampur, Korba, Qtr. No. 580- A, Post
Office And Police Station - Korba, Tahsil And District- Korba (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through- Secretary, Revenue Department, Secretariate,
Mahanadi Bhawan, Naya Mantralaya, Nya Raipur, District- Raipur (Chhattisgarh)
2. Collector, Korba, District- Korba (Chhattisgarh)
3. Sub Divisional Officer, Korba, District- Korba (Chhattisgarh)
4. Tehsildar, Kartala, District- Korba (Chhattisgarh)
5. Tehsildar, Barpali, District- Korba (Chhattisgarh)
6. Suresh Jaiswal S/o Late Sant Lal Jaiswal, Assistant Grade - li, Collectorate-
Korba, Finance Department, P. O. & P. S. Korba, District- Korba (Chhattisgarh)

---- Respondents

For petitioners	:	Shri Sanjay Patel, Advocate.
For Respondent/State	:	Ms. M. Asha, Panel Lawyer.
For Respondent No.6	:	Shri SRJ Jaiswal, Advocate.

Hon'ble Shri Justice P.Sam Koshy**Order on Board****03.11.2016**

1. The instant review petition has been filed seeking for review of the order dated
04.11.2015 passed by this court in Writ Petition (S) No.3084 of 2014 on merits.
2. Learned counsel appearing for the petitioner submits that it is a case where he
has filed certain additional documents along with with review petition which would
show that the petitioner had been working under the respondents for a
considerable long period as daily-wage employee from 1994 to 2006. That, he
has discharged his duties as daily-wage employee but has not been provided
any remuneration for the said period neither has the respondents taken the
services into consideration for the purpose of absorbing the petitioner into service

of the respondents. It was next submitted that this court has rejected the case of the petitioner holding that the appointment of the petitioner was not in accordance with the constitutional scheme framed by the Government neither was there any order of regular appointment issued in favour of the petitioner giving indefeasible rights in favour of the petitioner seeking for enforcement of the writ jurisdiction of this court. This court should have considered the case of the petitioner sympathetically, particularly the 11 years of service that the petitioner has rendered without salary and that this court may also sympathetically consider the fact that the petitioner was stopped for employment after he has filed a writ petition claiming for wages and seeking for regularization in the service of the respondents and as such he has been made a victim of his filing earlier writ petition.

3. A bare perusal of order under challenge in this review petition clearly reflects that this court has already considered the factual matrix of the case and has reached to a conclusion that infact as per paragraph-3 of the pleadings of the petitioner himself, he was never appointed in accordance with rules applicable in the department neither was the appointment made on a regular basis and lastly the appointment of the petitioner was also not in accordance with constitutional scheme framed by the government. In the absence of an order of appointment under any of the aforesaid three categories, the petitioner would have no indefeasible right to claim either absorption in the department or for that matter challenge the order of discontinuation of his employment.
4. In any case, from the pleadings itself it is evidently clear that this court while deciding the writ petition has taken into consideration all the pleadings that were made in the writ petition and has also decided the matter from the documents available before it. Subsequent filing of any new document would not give rise in

filing of a review petition so as to recall the order passed on merits and to pass a fresh order after re-hearing the matter.

5. The review petitioner, by way of review application, are trying for re-hearing of the entire matter based on certain documents/circulars/orders etc. which were not produced at the time of hearing of original writ petition itself. It is well settled law that fresh materials and plea cannot be permitted to be raised by way of review jurisdiction. Moreover, a perusal of order passed in writ petition would reflect that it has been passed with due appreciation and consideration of facts and as such it cannot be said that there was any error apparent on the face of record. Review jurisdiction is not an Appeal in disguise. It does not permit re-hearing of matter on merits.
6. Re-appreciation of the facts of the case on the basis of fresh materials which were not there along with the writ petition 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. An error which is not self evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review. The jurisdiction under review does not permit an erroneous decision to be reheard and corrected. The mistake apparent on record means that the mistake which is self evident, needs no search and stares at its face. In the instant case, the petitioner has not been able to show any error apparent on the face of record nor is there any blatant error said to have committed by this court while passing the order dated 04.11.2015.
7. Thus, for the foregoing reasons, there is no ground available for review of the

order dated 04.11.2015. 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.

8. In view of the foregoing reasons, this review application is dismissed. No order as to costs.

Sd/-
(P.Sam Koshy)
JUDGE

inder