

HIGH COURT OF CHHATTISGARH, BILASPUR**Review Petition No. 72 of 2016**

1. Ravindra Kumar S/o Rajkishore Prasad, Aged About 40 Years Assistant Grade- III 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, Mahanadi Bhawan, Naya Mantralaya, Nya Raipur, District- Raipur (Chhattisgarh)
2. Collector, Korba, District- Korba (Chhattisgarh)
3. Rajat Kumar, Collector, Collectorate, PO & PS Korba Distt. Korba (CG).
4. Sub Divisional Officer, Korba, District- Korba (Chhattisgarh)
5. Tehsildar, Kartala, District- Korba (Chhattisgarh)
6. Shri B.R. Thakur, Tehsildar at present posted at Pakhanjur, PO & PS Pakhanjur, Distt. Kanker (CG).

---- Respondents

For petitioners	:	Shri Sanjay Patel, Advocate.
For Respondent/State	:	Ms. M. Asha, Panel Lawyer.

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.2319 of 2013 on merits.
2. The said writ petition was preferred by the petitioner claiming for relief of releasing his salary for the period January, 1997 to November, 2005.
3. This court having considered the merits of the case, in the light of the pleadings of the parties, on 04.11.2015 rejected the claim of the petitioner.

This court while rejecting the claim of the petitioner in paragraphs 7,8 and 9 have categorically enunciated the reasons why the petitioner would not be entitled for the relief of release of salary.

4. The petitioner now by way of revision petition wants this court again to reconsider its stand and to take a different view and also to pass an order holding that petitioner is entitled for salary of the said period.
5. 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 satres 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. As a result and in view of the foregoing, this review application is dismissed. No order as to costs.

Sd/-
(P.Sam Koshy)
JUDGE