

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**REVP No. 84 of 2017**

- Sadhram S/o Foddo Aged About 47 Years R/o Old Miners Quarters Post Office West Chirmiri Colliery, Pin 497773 Chirmiri District- Korea, Chhattisgarh, Chhattisgarh

**---- Petitioner**

**Versus**

1. South Eastern Coalfields Ltd. Through The Chairman Cum Managing Director, Seepat Raod, Bilaspur, Chhattisgarh
2. Sub-Area Manager, West Chirimiri Colliery, South Eastern Coalfields Ltd. Chirimiri Area, Chhattisgarh
3. Senior Personnel Officer, West Chirimiri Colliery, South Eastern Coalfields Ltd. Chirimiri Area
4. The Sub-Area Manager, N.C.P.H. Colliery, Chirimiri Area, Chirimiri District Korea, Chhattisgarh
5. The Senior Personnel Officer, N.C.P.H Colliery, Chirimiri Area, Chirimiri District Korea, Chhattisgarh, District : Korea, Chhattisgarh

**---- Respondent**

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For Petitioner  
For Respondents

Shri N. Naha Roy, Advocate  
Shri Vinod Deshmukh, Advocate

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**Hon'ble Shri Justice Prashant Kumar Mishra**

**Order On Board**

**16/02/2018**

1. It is argued that while the writ petition was called for hearing on 04.05.2017, the petitioner's counsel was not present owing to personal difficulty, therefore, the law laid down by the Supreme Court in the matter of **Radha Raman Samanta vs Bank of India**

**and others**, reported in (2004) 1 SCC 605 could not be placed before this Court. Learned counsel for the petitioner would submit that the issue fallen for consideration needs to be considered in accordance with the judgment rendered by the Supreme Court, therefore, the writ petition may be heard afresh.

2. Learned counsel for the respondents would submit that there is no error apparent on the face of the record, therefore, no case for exercising review jurisdiction is made out.
3. The order dated 04.05.2017 has been passed in the absence of petitioner's counsel. The writ petition has been dismissed on the ground of maintainability and not on merits, therefore, the ratio in the matter of **Radha Raman Samanta** (supra) is required to be considered, which escapes notice of this Court.
4. In my considered opinion, due to non consideration of the law laid down by the Supreme Court, an error has crept in, which needs to be rectified, if required, after hearing learned counsel for the parties on maintainability afresh as also on merits, therefore, the order dated 04.05.2017 is recalled and WPS No.4036/2007 is restored to its original number for hearing afresh.
5. The review petition stands allowed to the above extent.

Sd/-

Judge

Prashant Kumar Mishra