

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Review Petition No. 111 of 2018**

Vimal Kumar Singh S/o Late Shri R. A. Singh, Aged About 57 Years,
R/o Behind Gupta Flour Mill, Bajrang Chowk, Arvind Nagar,
Bandhawapara, Sarkanda, Bilaspur, P.S. Sarkanda, Bilaspur, Tahsil
And District- Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Government Of Chhattisgarh, Department Of Social Welfare, Mahanadi Bhawan, Mantralaya, Naya Raipur, P.S. Rakhi, District- Raipur, Chhattisgarh
2. Director, Directorate Of Social Welfare, Government Of Chhattisgarh, Dau Kalyan Singh Bhawan, Mahanadi Khand, Raipur, Chhattisgarh
3. Collector Bastar, District- Jagdalpur, Chhattisgarh
4. Superintendent, Government Dump And Deaf School, Jagdalpur, District- Jagdalpur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri K. P. S. Gandhi, Advocate
For State	:	Shri Chandresh Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****25/10/2018**

The present review petition has been filed seeking for review of the order dated 04.09.2018 passed in WPS No. 5750 of 2018.

2. The grievance raised in the present review petition is to the finding in paragraph-6 wherein this Court had made the following observation:

“6. Reserving the right for the petitioner to claim appropriate relief in that regard from the respondents, the present writ

petition in its present form claiming back wages may not be sustainable in the light of the decision of this High Court dated 19.01.2007 passed in WP No. 1033 of 2003.”

3. Contention of the counsel for the petitioner is that the petitioner is entitled for back wages as similarly placed persons have been granted back wages on their being acquitted in criminal case. Moreover, according to the petitioner, the authorities in the department have themselves recommended the case of the petitioner for grant of back wages for the intervening period.

4. The aforementioned ground which has been raised by the petitioner would not be a ground within which the review petition could be entertained. It is settled position of law that review petition can be entertained only in the event of there being an error apparent on the face of the record. This Court while refusing back wages had given specific reasons as to why the petitioner is not entitled for the same. If the petitioner was not satisfied or was aggrieved with the observations of this Court, the option available to the petitioner was to prefer an appeal against the said order.

5. Principle of law to entertain review petition is well settled in catena of decisions one of latest being 2012(7)SCC 200 (Haryana State Industrial Development Corporation Limited vs. Mawasi and Others). Similar view has also been taken by the Supreme Court in cases of *Smt. Meera Bhanja vs. Smt. Nirmala Kumari Choudhary*¹, *Lily Thomas, etc. vs. Union of India and others*², *Ajit Kumar Rath vs. State of Orissa and others*³, *Government*

¹ AIR 1995 SC 455

² AIR 2000 SC 1650

³ AIR 2000 SC 85

*of T.N. and others vs. M. Ananchu Asari and others*⁴ and *Kerla State Electricity Board vs. Hitech Electrothermics & Hydropower Ltd. and others*⁵.

6. Thus, applying the above well settled principles of law to the facts of the present case, there is no ground available for review of the order dated 04.09.2018. The review petition accordingly stands dismissed.

**Sd/-
(P. Sam Koshy)
JUDGE**

Bhola

⁴ 2005 (2) SCC 332

⁵ 2005 (6) SCC 651