

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 72 of 2018**

1. Sudeshwar Tiwari S/o Late Ramprasad Tiwari Aged About 53 Years R/o Ex Secretary Village Panchayat Sitarampur Tahsil Pal District Surguja, Now District Balrampur-Ramanujganj, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary Department Of Panchayat And Rural Development Mahanadi Bhawan New Raipur, District Raipur, Chhattisgarh.
2. The Collector Surguja, Now Collector Balrampur District Balrampur- Ramanujganj, Chhattisgarh.
3. Chief Executive Officer, Janpad Panchayat Balrampur District Surguja, Now District Balrampur- Ramanujganj, Chhattisgarh.
4. Gram Panchayat Sitarampur, Through Sarpanch (Sitarampur) Balrampur Tahsil Pal District Surguja, Now District Balrampur- Ramanujganj, Chhattisgarh.
5. Shri Uday Yadav, Presently Working As Panchayat Secretary Gram Panchayat Sitarampur, District Surguja, Now District Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

(Application for review of the order dated 5-5-2017 passed in
WPS No.5931 of 2007

(By circulation in chamber)

S.B. : Hon'ble Mr. Justice Prashant Kumar Mishra

2/1/2019

1. 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.

2. The review petitioner (the writ petitioner) seeks review of the order dated 5-5-2017 passed in WPS No.5931 of 2007 on the ground that, in fact, when the petitioner went to join the service the Sarpanch/Secretary of the Gram Panchayat has not given the charge to the petitioner and subsequently passed the termination order on 4-6-2011 that too without having any competency.

3. On going through the order dated 5-5-2017 passed in WPS No.5931 of 2007, it appears that no one appeared for the petitioner to argue the matter; the matter related to the year 2007 and hence, after hearing learned counsel for the State as well as learned counsel for the respondent No.4; on perusal of the record; and after considering all the aspects of the matter, this Court has passed the order, which is sought to be reviewed herein.

4. 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.

5. 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.

6. 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 Chowdhary, AIR 1995 SC 455, Lily Thomas etc. v. Union of India and others, AIR 2000 SC 1650, Ajit Kumar Rath v. State of Orissa and others, AIR 2000 SC 85, Government of T.N. & Others v. M. Ananchu Asari and others, (2005) 2 SCC 332, and Kerla State Electricity Board v. Hitech Electrothermicsm & Hydropower Ltd. and others, (2005) 6 SCC 651}.

7. As a sequel, the review petition, *sans substratum* is liable to be and is hereby dismissed.

Sd/-
Judge
(Prashant Kumar Mishra)

Gowri