

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

REVP No. 258 of 2018

Prem Singh Sahu S/o Late Thanwar Sahu, Aged About 63 Years R/o Azad Chowk, Jaigiri, Bmy, Durg, District Durg Chhattisgarh.

--- Applicant

Versus

1. The State Of Chhattisgarh, Through Labour Secretary And Labour Commissioner, Raipur, District Raipur Chhattisgarh.
2. President State Industrial Court Of Chhattisgarh At Raipur, Mahanadi Khand, Near D.K.S. Bhawan, Raipur, District Raipur Chhattisgarh.
3. Pragatisheel Cement Shramik Sangh Labour Camp, Jamul, Bhilai, District Durg Chhattisgarh.
4. General Manager (Now Vice President) The Associated Cement Companies Limited, Registered Under Indian Companies Act With The Registrar Of Companies, Bombay, Registered Office At Cement House 121, Maharshi Karve Road, Mumbai-20 Carrying On Manufacture Of Cement In The Name Of Jamul Cement Works At Jamul, Tahsil And District Durg Chhattisgarh Through Its Vice President I.M. Sharma.

---Non-Applicants

For Applicant	:	Mr. Punit Ruparel, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Mr. Justice P. Sam Koshy
Hon'ble Mr. Justice Sharad Kumar Gupta
Judgment on Board by Justice P. Sam Koshy

24/01/2019

1. The present review petition has been filed seeking review of the order dated 19/02/18 passed in writ appeal No. 98/2018.
2. A solitary ground for review is a subsequent decision of the division bench of this Court in a bunch of writ appeals leading of which being writ appeal No. 212/2018 decided on 2/05/18.
3. We are of the firm review that a subsequent decision rendered by the division bench of this Court cannot be a ground for seeking review of an earlier decision rendered by the division bench of this Court.
4. It is trite at this juncture to refer to certain decisions rendered by the Hon'ble Supreme Court on the question of entertaining the review

petition in the matter of “**Kerala State Electricity Board v. Hitech Electrothermicism & Hydropower Ltd. and others**” reported in (2005) 2 SCC 332, “**Ajit Kumar Rath v. State of Orissa and others**” reported in AIR 2000 SC 85, “**Lily Thomas etc. v. Union Bank of India and others**” reported in AIR 2000 SC 1650 and “**Meera Bhanjan v. Smt. Nirmal Kumar Chowdhary**” reported in AIR 1995 SC 455.

5. All these judgments referred to above deals with the scope of a review petition and the crux of all these judgments, as a matter of principle as laid down by the Hon'ble Supreme Court is that in the grab of a review petition, the petitioner cannot be permitted to argue the entire case afresh which would amount to converting the review petition into an appeal unless there is an error on the face of the record and on the part of the Court in the passing of the judgment against which the review is sought for.
6. Moreover, this Court is not inclined to entertain the review petition for the reason that while deciding the writ appeal of the petitioner, the division bench had left the option open for the petitioner to move a review petition, if he so feels to canvas the argument he intended to raise.
7. The petitioner, it seems has not availed the said option/remedy open to him.
8. For the aforesaid reason, this Court does not find any strong case for entertaining the review petition, the same accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
JUDGE

Sd/-
(Sharad Kumar Gupta)
JUDGE