

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CM-4959-CWP-2019 in/and
RA-CW-144-2019 in
CWP-17749-2015
Date of decision: 10.4.2019

Vinod Kumar

...Petitioner

Versus

The State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr.BK Mehta, Advocate for the applicant/petitioner

JITENDRA CHAUHAN, J.

The instant application is for review of the judgment dated 30.10.2018 passed in CWP-17749-2015.

It is asserted that the submissions made by learned counsel for the petitioner before this Court on 30.10.2018 during hearing of CWP-17749-2015 and CWP-3324-2016 that in case claim of the petitioner/review applicant for compassionate appointment was considered, he would have no objection with regard to disbursement of family pension to Paramjit Kaur, was altogether erroneous and without instructions from the petitioner because by 30.10.2018, the petitioner had no right or interest left in compassionate appointment. There was no occasion for learned counsel for the petitioner to accept the condition suggested by learned counsel for Paramjit Kaur that petitioner Vinod Kumar would return all the funds received by him.

Heard.

Hon'ble the Supreme Court in “**Kamlesh Verma Vs. Mayawati and others**”, 2013 (4) SCC (Crl) 265, has summed up the law with regard to review of the judgment when the Review will be maintainable:-

- i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;
- (ii) Mistake or error apparent on the face of the record;
- (iii) Any other sufficient reason.
- (iv) The words “any other reason” mean “a reason sufficient on grounds at least analogous to those specified in the rule”.

When the review will not be maintainable:-

- (i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.
- (ii) Minor mistakes of inconsequential import.
- (iii) Review proceedings cannot be equated with the original hearing of the case.
- (iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.
- (v) A review is by no means an appeal in disguise whereby an erroneous decision is re-heard and corrected but lies only for patent error.
- (vi) The mere possibility of two views on the subject cannot be a ground for review.
- (vii) The error apparent on the face of the record should not be an error which has to be fished out and searched.
- (viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.”

In the instant case, no sufficient reason has been shown by the review applicant to make out a case for review.

In view of the above, no case for review of the judgment dated 30.10.2018 passed in CWP-17749-2015 is made out at this stage. As such, the present review application is rejected. Resultantly, the CM-4959-CWP-2019 is also dismissed.

10.4.2019
gsv

[**JITENDRA CHAUHAN**]
JUDGE

Whether speaking / reasoned?	Yes	/	No
Whether reportable?	Yes	/	No

