

AFR**HIGH COURT OF CHHATTISGARH, BILASPUR****REVP. No. 60 /2020****Reserved on 13-3-2020****Delivered on 16-3-2020**

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1. Tokeshwar Sahu S/o Shri Ganguram Sahu, Aged About 31 Years Occupation Home Guard Sainik No. 643, Home Guard Office Raipur, District Raipur CG
2. Hemant Kumar Sahu, S/o Shri Manharanlal Sahu, Aged About 32 Years Occupation Home Guard Sainik 598, Home Guard Office Raipur, District Raipur CG

---- Applicants**Versus**

1. State Of Chhattisgarh Through Its Secretary, Home Police Affairs, Mahanadi Bhawan, Mantralaya, District New Raipur CG
2. The Secretary Home Police And Finance, Mahanadi Bhawan, Mantralaya, District New Raipur CG
3. The Director General Of Police Home Guards, Head Quarter Sector 19, Naya Raipur District Raipur CG
4. Durgesh Chandrakar, S/o Shri Mohan Chandrakar, Aged About 25 Years Occupation Home Guard No. 612,
5. Mulchand Padhre, S/o Shri Heerasingh Padhre, Aged About 25 Years Occupation Home Guard No. 197
6. Bharat Ram Dhruw S/o Late Shri Bahur Singh Dhurw, Aged About 30 Years Occupation Home Guard No. 294
7. Tarun Dhurvey, S/o Shri Mannu Lal Dhurvey, Aged About 30 Years Occupation Home Guard No. 342
8. Agheshwar Banswar, S/o Shri Ramkumar Banswar, Aged About 26 Years Occupation Home Guard No. 194
9. Dushyant Shau S/o Shri Ramkishun Sahu, Aged About 27 Years Occupation Home Guard No. 163
10. Dilip Dhruw, S/o Shri Nakul Dhruw, Aged About 28 Years Occupation Home Guard No. 186
11. Naresh Sahu, S/o Shri Milau Ram Sahu, Aged About 32 Years Occupation Home Guard No. 591,

Respondents No. 4 to 11 are working under the office of District Commandant, Home Guard, Raipur, District Raipur CG

---- Non-applicants

For applicants : Shri Amit Seth and Shri Varunendra
Mishra, Adv.

For Non-applicants No. 1 to 3 : Shri Raghvendra Verma, Govt. Adv.

Hon'ble Shri Sharad Kumar Gupta, Judge
CAV ORDER

1. Applicants have preferred instant review petition for review of the impugned order dated 6-8-2018 Annexure- REV/1 passed by this Court in bunch matters bearing WPS No. 7071/2017 and other connected matters whereby and whereunder the said WPSs were disposed of.

2. Earlier applicants in the writ petitions had preferred said writ petitions seeking the relief to direct the non-applicant No. 1 to implement the order/ judgment passed by Hon'ble Supreme Court in various petitions with effect from 1-1-2011 and to consider various memos sent by respondent No. 3 (Annexure P-5).

3. While passing the impugned order dated 6-8-2018 Annexure-REV-1 this Court observed in para No. 11 and 12 as under :-

“11. Looking to the above mentioned facts and circumstances, this Court finds that if petitioners had the grievance that aforesaid judgment/ order of Hon'ble Supreme Court has not been complied with by the respondent No. 1 then they may approach in the proper forum available to them under the law.

12. In para 5 and 6 of the reply it has been pleaded that proposals of the respondent No. 3 have been rejected giving the reasons. Annexure P-5 is the repetition of earlier proposal, which has been already considered by respondent No. 1.”

4. Applicants had preferred petition (s) for Special Leave to Appeal (C) No(s). 1127-1135/2019 before Hon'ble Supreme Court which were dismissed vide Annexure REV-7.

5. The case of applicants regarding instant review petition is that non-applicants No. 1 to 3 had made wrong and incorrect averments in their reply, on the basis of which this Court passed impugned order which suffers from error apparent on the face of record. Non-applicants No. 1 to 3 did not consult with the Central Government. As per the information obtained by them under RTI Act, the proposal for enhancement of remuneration of Home Guards is still pending finalization before the Finance department hence, respondents No. 1 to 3 made wrong averment that said proposals had already been rejected.

6. Counsel for the applicants argued that earlier this Court was in wrong impression that proposal prior to Annexure P-5 has been rejected by respondent No. 1. The correct position is that prior to Annexure P-5, no proposal was rejected by respondent No. 1, Hon'ble Supreme court has dismissed the Special Leave Petition, hence this Court can review its own impugned order. He further argued that if the Court is not inclined to review the impugned order then liberty to file writ appeal may be granted to them.

7. Counsel for the applicants placed reliance in the decision of Hon'ble Supreme Court in the matter of **Kunhayammed and Others -V- State of Kerala and anr.** (AIR 2000 SC 2587) wherein Hon'ble Supreme Court laid down that refusal to grant special leave to appeal does not mean that order impugned is affirmed.

8. Counsel for the respondents No. 1 to 3 submitted that no sound reasons exist to review the impugned order.

9. None consultation with the Central Government is not a sufficient ground for review of the impugned order.

10. In the case in hand, vide Annexure REV-7, Hon'ble Apex Court has dismissed the aforesaid petitions for special leave to appeal. Hence, looking to the aforesaid judicial precedent laid down by Hon'ble Supreme Court, this Court finds that this Court may review the impugned order.

11. As per Annexure REV-5 no information was received from government regarding the proposals dated 23-7-2016, 27-10-2016 and 18-9-2017.

12. As per the para 5 and 6 of the reply of non-applicants No. 1 to 3 the proposal of the respondents No. 3 have been rejected giving reasons.

13. Annexure P-5 contains the proposals dated 23-7-2016, 27-10-2016 and 18-9-2017.

14. It is emerged from Annexure P-5 dated 23-7-2016 that DGP Home Guard had made proposal to respondent No. 1 on 12-4-2016. There is no such material available on record on the strength of which it can be said that proposal dated 12-4-2016 is still pending. Thus, prima facie it appears that proposal dated 12-4-2016 has been rejected by respondent No. 1.

15. This Court has clearly observed in para 12 of the impugned order that Annexure P-5 is the repetition of earlier proposal, which has been already considered by the respondent No. 1.

16. Looking to the above mentioned facts and circumstances of the case, this Court finds that while passing the impugned order this Court did not commit any mistake or error apparent on the face of the record. Moreover, no other sufficient ground exists for review.

17. Consequently, this Court finds that instant review petition deserves to be and is hereby dismissed.

18. This Court had already observed in para 11 that if applicants have the grievance that the judgment / order of Hon'ble Supreme Court has not been complied with by respondent No. 1 then they may approach in the proper forum available to them under the law. Thus, no further direction is required.

19. Applicants shall bear their own cost as well as cost of non-applicants No. 1 to 3 also.

Sd/-
(Sharad Kumar Gupta)
Judge