

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 27 of 2020**

- Smita Gupta, aged about 33 years, D/o Dr. Ashok Gupta, R/o Anupam Nagar, House No. 14, District Rajnandgaon, C.G.

-----Appellant/Petitioner**VERSUS**

- Chhattisgarh Gramin Bank, through-The General Manager, Administration, Head Office, Raipur, District-Raipur C.G.

-----Respondent

For Appellant : Mr. Neeraj Choubey, Advocate

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Judgment on Board****Per Parth Prateem Sahu, J.****14/02/2020**

1. The petitioner by this review petition seeking review of the order dated 03-10-2018 whereby the writ appeal filed by the petitioner/ appellant was dismissed taking note of the fact that the deceased husband of the petitioner was not the permanent employee of the respondent-Bank.
2. Learned counsel for the petitioner submits that husband of the petitioner was employed with the respondent-Bank and he was under the probation period. He was employed on a particular pay scale and therefore he comes within the category of permanent employee which has not been considered in a proper perspective, in accordance with the scheme placed along with the petition as well as with the writ appeal.
3. The scope of review is very limited and it cannot be entertained like an appeal. On going through the clause as mentioned in the scheme (Annexure A-2) filed along with the petition wherein the 'employee' has been defined under definition 'घ', which specifically shows that the contractual/ temporary/ contingent employees are not included in the definition of the 'employee' as aforesaid.

4. The Hon'ble Supreme Court in the matter of **Meera Bhanja v. Nirmala Kumari Choudhury** reported in **AIR 1995 SC 455**, has discussed with the position as to how and in what circumstances, the review petition can be entertained and held thus:-

“8. It is well settled 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, C.P.C. In connection with the limitation of the powers of the Court under Order 47, Rule 1, while dealing with similar jurisdiction available to the High Court while seeking to review the orders under Article 226 of the Constitution of India, this Court, in the case of Aribam Tuleswar Sharma v. Aribam Pishak Sharma, AIR 1979 SC 1047, speaking through Chinnappa Reddy, J., has made the following pertinent observations (para 3):

'It is true there is nothing in Article 226 of the Constitution to preclude the High Court from exercising the power of review which inheres in every Court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. But, there are definitive limits to the exercise of the power of review. The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a Court of Appeal. A power of review is not to be confused with appellate power which may enable an Appellate Court to correct all manner of errors committed by the Subordinate Court.”

5. In the light of the aforementioned facts of the case and the arguments raised by the learned counsel for the petitioner as well as the law laid down by the Supreme Court, we do not find any error apparent on the face of the record in the impugned judgment.
6. The Review petition being devoid of any substance which is liable to be and is hereby dismissed.

Sd/-
(P.R. Ramachandra Menon)
 Chief Justice

Sd/-
(Parth Prateem Sahu)
 Judge