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HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 100 of 2020***(Arising out of order dated 27.02.2020 passed by the learned Division Bench in WPS Nos. 4667 of 2019)*

- Dr. Binu Mathew W/o Sajan Joseph Aged About 42 Years Working As Assistant Professor (Nursing), R/o House No. H I G 32 Hudco Bhilai, District Durg Chhattisgarh.

---- Petitioner**Versus**

1. The Union of India Through Its Secretary, Ministry of Health And Family Welfare, Nirman Bhawan, New Delhi.
2. The Chief Controller of Accounts Ministry of Health And Family Welfare, Nirman Bhawan, New Delhi.
3. President, Institute Body, All India Institute of Medical Science, Raipur Chhattisgarh, Tatibandh, GR Road Raipur Chhattisgarh.
4. The Director All India Institute of Medical Science, Raipur Chhattisgarh, Tatibandh, G E Road, Raipur Chhattisgarh.
5. Administrative Officer All India Institute of Medical Science, Raipur Chhattisgarh, Tatibandh, G E Road, Raipur Chhattisgarh.
6. State of Chhattisgarh Through The Secretary, Department of Health, Mahanadi Bhawan, Naya Raipur Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Ashwin Panikar, Advocate.
For Respondents No. 1&2	:	Shri Tushar Dhar Diwan, Advocate on behalf of Shri Ramakant Mishra, ASG.
For Respondents No. 3 to 6/State:	:	Shri Sudeep Agrawal, Dy. AG.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Justice Parth Prateem Sahu, Judge****Order on Board****Per P.R. Ramachandra Menon, Chief Justice****11.01.2021**

1. This matter relates to the course projected in WPS No. 4667/2019 which was disposed of as per the common judgment dated 27.02.2020 passed by this Court WPS Nos. 4667 of 2019 and 4899 of 2019.

2. The issue projected in the writ petition was mainly with regard to the reduction in the pay packet of the Petitioner who was appointed to the post of Assistant Professor (Nursing) in the AIIMS, Raipur, pursuant to the advertisement issued on 28.12.2011. The Petitioner was paid the salary and the grade pay, which came to be reduced pursuant to an audit objection, referring to some inconsistencies / discrepancies, which was subjected to challenge before the Central Administrative Tribunal, Jabalpur (for short, 'the Tribunal'). A decision was rendered by the Tribunal in favour of the Petitioner, placing reliance on a similar verdict passed by Patna High Court, however without much discussion as to the issue involved.
3. This was sought to be challenged by Respondents herein by filing WPS Nos. 4667 of 2019; which came to be finalized as per Annexure A/1 verdict dated 27.02.2020, making an indepth study as to the facts, figures and the relevant provisions of law and precedents. Specific observations were also made by this Court with regard to the difference in the nomenclature between two posts which exist in the AIIMS, Raipur and which exist in the AIIMS, New Delhi and as to the eligibility to get the salary in terms of similar post as being paid in New Delhi. The mistake occurred in the advertisement and the subsequent 'undertaking' given by the Petitioners to have the pay fixed in terms of offer of appointment order; notwithstanding the contents of the advertisement, and the relevant precedents were also referred to therein. The factual position as to the higher pedestal occupied by the Review Petitioner, having higher qualification of Doctorate degree and as to the existing employment serving elsewhere (who resigned the post and joined pursuant to the advertisement and selection) were also adverted to. It was accordingly that, an order was passed that the matter required a fresh look in the light of the observations therein; in turn directing the Competent Authority to consider the factual aspects with reference to similar post of Assistant Professor (Nursing), if it exists in the New Delhi (to which the

Respondents/Applicants have been appointed as per Annexure R/4) and to pass a “speaking order” after affording an opportunity of hearing to the persons concerned. The said verdict is now sought to be reviewed by the review Petitioner, who was a Respondent in the writ petition (Applicant in the OA); particularly against the observation made in paragraph 31 referring to the contents of the advertisement and also the offer of appointment.

4. We heard the learned counsel for the review Petitioner elaborately. Despite the lengthy hearing, nothing could be brought to the notice of this Court as to the existence of any error apparent on the face of the record, so as to invoke the power of review. The scope of review is very limited and it cannot be a substitute for an appeal, in view of the law declared by the learned Supreme Court on many an occasion including the ruling reported in ***AIR 1995 SC 455 (Meera Bhanja vs Nirmala Kumari Choudhury)***.
5. It is brought to the notice of this Court by the learned counsel for the Petitioner that, pursuant to direction given by this Court, a notice was issued to the Petitioner and the proceedings were finalized by passing an order; which has already been subjected to challenge by her in WPS No.2257 of 2020.
6. In the above circumstances, we do not find any tenable ground to invoke the power of review. Accordingly, interference is declined. The review petition stands dismissed.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge