

6 26.8.2022
Sc Ct. no.12

RVW 162 OF 2021
in
WPCT No. 54 OF 2020

Sabitri Devi & Anr.

Vs.

Union of India & Ors.

Mr. Sukumar Ghosh
Ms. Moumita Ghosh

....For the Applicants

Mr. Bhudev Chatterjee
Mr. Jayesh Kumar Choradia
Mr. Sailendra Kumar Tiwari.

....For the Respondents

Affidavit-of-service filed today in Court, is taken on record.

Pursuant to our direction made earlier cost, as directed, has duly been paid as it appears from the money receipt issued by the Bar Association, High Court, Calcutta.

This is an application for review of an order dated January 7, 2021 whereby and whereunder the impugned order passed by the Central Administrative Tribunal was not interfered with and the challenge was dismissed by the Division Bench.

The subject-matter of the application filed before the tribunal wherefrom the said proceeding arose before the Division Bench was, demanding a compassionate appointment.

It appears that the demand for compassionate appointment is still pending before the relevant department of the State and Mr. Bhudeb Chatterjee, learned counsel for the respondents appearing before us today has also confirmed the same.

After hearing submissions made on behalf of the parties and on a careful scrutiny of the grounds for review as urged on behalf of the review applicants as also the grounds mentioned in the said review application, it appears to this Court that, on such grounds review is not maintainable as there was no error apparent on the face of the order dated January 7, 2021 of which the review has been sought for.

The power and scope of review of an order is very limited. Unless an error appearing from the record is *ex facie* apparent on the face of the order, review is not permissible.

In the instant case, this Court is of the firm opinion that, no such error appears to be there on the face of the order dated January 7, 2021. Inasmuch as from the arguments advanced on behalf of the review applicants and from the case made out in its review application, it appears that, a new point has been sought to be raised through this review application which could have been argued but was not taken in the main challenge in which the said order dated January 7, 2021 was passed. A new

plea for argument by way of a review is not permissible in law.

In view of the above, we do not find any merit in this review application.

Accordingly, this review application **RVW 162 of 2021** stands dismissed.

There shall, however, be no order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Chitta Ranjan Dash, J.)

(Aniruddha Roy, J.)