

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Civil Review No. 6 of 2023

Manoj Kumar Goswami, aged about 50 years, s/o Sri J. B. Das Goswami, r/o Katari Bagan, Road No.08, PO & PS-Namkum, District-Ranchi.

..... **Petitioner**

Versus

1. Union of India through Chief Administrative Officer (Con), South Eastern Railway, PO & PS-Garden Reach, Kolkata-Pin-700043.
2. Chief Signal & Telecom Engineer (Con), South Eastern Railway, PO & PS-Garden Reach, Kolkata-Pin-700043.
3. Dy. CSTE/CON/HQ/GRC, South Eastern Railway, PO & PS-Garden Reach, Kolkata-Pin-700043.
4. Dy. Signal & Telecom Engineer (CON), South Eastern Railway, PO & PS-Hatia, Ranchi PIN 834001.
5. Divisional Signal & Telecom Engineer (CON), South Eastern Railway, PO & PS-Hatia, Ranchi PIN 834001.
6. Sr. DSTE, Open Line, South Eastern Railway, Ranchi Division, at Hatia, PO & PS-Hatia, District-Ranchi, PIN 834003.
7. Divisional Personnel Officer, South Eastern Railway, Ranchi Division, at Hatia, PO & PS-Hatia, District-Ranchi, PIN 834003.
8. Assistant Personnel Officer, South Eastern Railway, Ranchi Division, at Hatia, PO & PS-Hatia, District-Ranchi, PIN 834003.. **Opposite Parties**

CORAM: HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR
HON'BLE MR. JUSTICE RATNAKER BHENGRA

For the Petitioner : Ms. Satakshi, Advocate

For the O.Ps : Ms. Chandana Kumari, AC to Addl.SGI

Dated: 23rd November 2023

Seeking review of the order dated 3rd January 2023 passed in W.P(S) No.6464 of 2022 the petitioner has filed this review petition.

2. The petitioner failed in his attempt to challenge the order dated 13th December 2022 passed by the Central Administrative Tribunal, Patna Bench (Circuit Bench, Ranchi) in OA No.051/00271 of 2022 and the said order has been approved by this Court in W.P(S) No.6464 of 2022.

3. Briefly stated, the petitioner who was appointed as Trackman under South Eastern Railways on 8th August 1996 was promoted to the ranks of Junior Clerk, Senior Clerk and Office Superintendent in Level-6. He remained posted at Ranchi under S&T (Open line) Unit since 2004 and on 16th February 2022 he was transferred to S&T Construction Unit. The order

dated 16th February 2022 indicates that the petitioner has been transferred within the same Unit and his transfer was in the same capacity and grade. The petitioner challenged the order dated 16th February 2022 before the Central Administrative Tribunal, Patna Bench (Circuit Bench, Ranchi) in OA No.051/00271 of 2022 which, as noticed above, was dismissed by an order dated 13th December 2022.

4. Ms. Satakshi, the learned counsel for the petitioner has tried to raise a plea based on the factual aspects of the matter.

5. The power of review can be exercised for correction of a mistake apparent on the face of record. The error apparent on record refers to such an error which does not require a process of reasoning to arrive at a conclusion and which is self evident. In “*Meera Bhanja v. Nirmala Kumari Choudhury*” (1995) 1 SCC 170 the Hon’ble Supreme Court held that the review proceedings are not by way of an appeal and must strictly remain confined to the scope and ambit of Order XLVII Rule 1 of the Code of Civil Procedure. In “*Meera Bhanja*”, the Hon’ble Supreme Court has observed as under:

“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, CPC. 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*, speaking through Chinnappa Reddy, J., has made the following pertinent observations: (SCC p. 390, para 3)

“It is true as observed by this Court in *Shivdeo Singh v. State of Punjab*, 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.”

9. Now it is also to be kept in view that in the impugned judgment, the Division Bench of the High Court has clearly observed that they were entertaining the review petition only on the ground of error apparent on the face of the record and not on any other ground. So far as that aspect is concerned, it has to be kept in view that an error apparent on the face of record must be such an error which must strike one on mere looking at the record and would not require any long-drawn process of reasoning on points where there may conceivably be two opinions. We may usefully refer to the observations of this Court in the case of *Satyanarayan*

Laxminarayan Hegde v. Mallikarjun Bhavanappa Tirumale wherein, K.C. Das Gupta, J., speaking for the Court has made the following observations in connection with an error apparent on the face of the record:

An error which has to be established by a long-drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record. Where an alleged error is far from self-evident and if it can be established, it has to be established, by lengthy and complicated arguments, such an error cannot be cured by a writ of certiorari according to the rule governing the powers of the superior court to issue such a writ.”

6. The petitioner has failed to raise any ground akin to the situations contemplated under Order XLVII Rule 1 of the Code of Civil Procedure and, therefore, we are not inclined to interfere in this matter.

7. Civil Review No.6 of 2023 is dismissed.

(Shree Chandrashekhar, J.)

(Ratnaker Bhengra, J.)

Sudhir