

**IN THE HIGH COURT OF JUDICATURE FOR THE STATE OF
TELANGANA
HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA**

**Review I.A.No. 3 of 2024
In
WRIT PETITION No. 30733 OF 2023**

24.02.2026

Between:

The Management Aware National Administrative Office,
Rep. by its Secretary Sri K. Venkat Reddy
..... Petitioner

And

State of Telangana,
Rep. by its Principal Secretary to Government,
Labour Department & others
..... Respondents

ORDER:

This Application has been taken out seeking review of the order dated 19.07.2024 by which this Court dismissed Writ Petition No. 30733 of 2023 with costs of Rs.2,50,000/-. The relevant portion of the said order is extracted hereunder for convenience:

“ 8. Having heard learned counsel on either side and having perused the material on record, it is discernible that petitioner did not make a whisper of the proceedings in S.A.No. 1 of 2010, S.E.No. 3 of 2013 or the factum of filing Writ Petition No. 30342 of 2015 and Writ Appeal No. 750 of 2017 which culminated in adverse order being passed against them. They did not even aver the reason why the 4th respondent was not impleaded when the proceedings challenged in this Writ Petition concern his termination and the benefits to be paid to him.

9. Rule 5(a) of the Writ Proceeding Rules, 1977 states that ‘every affidavit shall be drawn up in the first person and shall set forth succinctly and in chronological order all the relevant facts and the grounds for the relief sought. The statement of facts shall be divided into consecutively numbered paragraphs, each paragraph being confined as nearly as may be to a distinct portion of the subject’.

10. To the naked eye, the affidavit does not disclose the material facts, narrated supra. For the first time, all these facts were brought to the notice of this Court in the affidavit filed by the now impleaded 4th respondent which demonstrates the mala fide intention on the part of writ petitioner. Petitioner filed the memo dated 30.04.2024, even therein, they are not specific as to what prevented them from narrating the material facts.

11. In K. Jayaram’s case (supra), the Hon’ble Supreme Court held as under:

“ 16. It is necessary for us to state here that in order to check multiplicity of proceedings pertaining to the same subject-matter and more importantly to stop the menace of soliciting inconsistent orders through different judicial forums by suppressing material facts either by remaining silent or by making misleading statements in the pleadings in order to escape the liability of making a false statement, we are of the view that the parties have to disclose the details of all legal proceedings and litigations either past or present concerning any part of the subject-matter of dispute which is within their knowledge. In case, according to the parties to the dispute, no legal proceedings or court litigations was or is pending, they have to mandatorily state so in their pleadings in order to resolve the dispute between the parties in accordance with law.

17. In the instant case, since the appellants have not disclosed the filing of the suit and its dismissal and also the dismissal of the appeal against the judgment of the civil court, the appellants have to be non-suited on the ground of suppression of material facts. They have not come to the court with clean hands and they have also abused the process of law. Therefore, they are not entitled for the extraordinary, equitable and discretionary relief.”

12. Concealing / suppression of material facts would amount to abuse of process of law, playing fraud with Court as well as opposite party. The jurisdiction exercised by the High Court under Article 226 of the Constitution is extraordinary, equitable and discretionary and it is imperative that petitioner approaching the writ Court must come with clean hands and put forward all facts before the Court without concealing or suppressing anything. A litigant is bound to state the facts which are relevant to the litigation. If he / she withholds some vital / relevant material, in order to gain advantage over the other side, then he / she would be guilty of playing fraud which cannot be countenanced. The parties have to disclose the details of all legal

proceedings and litigation either past or present concerning any part of the subject matter of dispute which is within their knowledge. In case, according to the parties to the lis, no legal proceedings or court litigation were or are pending, they have to mandatorily state so in their pleadings in order to resolve the dispute between the parties in accordance with law.

13. In view of the above, since petitioner failed to state the details of all legal proceedings concerning the subject matter, they are not entitled for the extraordinary, equitable and discretionary relief. The Writ Petition is therefore, liable to be dismissed, however, with exemplary costs for wasting the precious judicial time of this Court.

14. The Writ Petition is dismissed with costs to be quantified at Rs.2,50,000/- (Rupees Two lacs fifty thousand only). Petitioner shall deposit the said amount with the Telangana High Court Bar Association, Hyderabad on or before 15th August, 2024 and submit the receipt thereof before this Court. For the said purpose, list on 19.08.2024.”

2. Aggrieved by the order dated 19.07.2024, Petitioner had preferred Writ Appeal No.1003 of 2024, however, they withdrew the Appeal on 02.09.2024 seeking liberty to file an Application for review of the said order.

3. The main ground urged by review petitioner is that this Court before passing the order in this Writ Petition was aware of the fact that Respondent No.4 had instituted S.E.No.3 of 2010 on the file of the Authority under Section 48(1) of the A.P. Shops and Establishments Act, 1988, questioning his illegal termination. Further, *vide* order, dated 16.09.2013, S.E.No.3 of 2010 was allowed granting the relief of

reinstatement, back-wages and other attendant benefits to him. Challenging the said order, review petitioner had filed S.A.No.1 of 2013 on the file of the Appellate Authority under Section 48(2) of the Act, 1988. After hearing the parties, the Appellate Authority dismissed the Appeal *vide* order dated 31.12.2014.

4. Further, aggrieved thereby, Writ Petition No. 30342 of 2015 was filed by the review petitioner. This court initially granted interim order, dated 18.09.2015 directing petitioner to deposit Rs.8,00,000/- within twelve weeks. As it is stated that the review petitioner has not complied with the said interim order, the said Writ Petition was subsequently dismissed *vide* order, dated 07.11.2016. Questioning the dismissal of the Writ Petition, review petitioner filed Writ Appeal No.750 of 2017 which was also dismissed confirming the orders passed in S.E.No.3 of 2010 as confirmed in S.A.No.1 of 2013. This Court *vide* order dated 21.3.2024 passed in I.A.Nos. 2 and 3 of 2023 in this Writ Petition, noted the above said contention of review petitioner. Therefore, according to review petitioner, this Court cannot come to the conclusion that Writ Petitioner has suppressed the facts and has come up with unclean hands and filed the Writ Petition.

5. Heard Sri M. Arun Kumar, learned counsel for review petitioner, Sri Krishna Swamy, learned Assistant

Government Pleader for Labour and Sri M.P. Kashyap, learned counsel for the 4th respondent.

6. The main contention of review petitioner is that they had not concealed the facts before this Court and this Court only *vide* order dated 21.03.2024 in I.A. Nos. 2 and 3 of 2023 observed that Respondent No.4 instituted S.E.No.3 of 2010 on the file of the Authority under Section 48(1) of the A.P. Shops and Establishments Act, 1988, questioning his illegal termination. Further, *vide* order, dated 16.9.2013, S.E.No.3 of 2010 was allowed granting the relief of reinstatement, back-wages and other attendant benefits to petitioner. Aggrieved by the said order, review petitioner filed S.A.No.1 of 2013 on the file of the Appellate Authority under Section 48(2) of the Act, 1988. After hearing the parties, the Appellate Authority dismissed the said Appeal *vide* order, dated 31.12.2014. Further, aggrieved thereby, Writ Petition No. 30342 of 2015 was filed before this Court by the review petitioner. This Court initially granted interim order, dated 18.09.2015 directing them to deposit Rs.8,00,000/- within twelve weeks. As it is stated that review petitioner has not complied with the said interim order, the said Writ Petition was subsequently dismissed *vide* order, dated 07.11.2016. Questioning the dismissal of the said Writ Petition, review petitioner filed Writ Appeal No.750 of 2017 which was

also dismissed confirming the orders in S.E.No.3 of 2010 as confirmed in S.A.No.1 of 2013.

7. This contention of Review Petitioner cannot be countenanced in any manner for the reason that the above said factual aspect was brought to the notice of this Court by Respondent No.4 by filing I.A.Nos.2 and 3 of 2024 in (Implead Petition and Vacate Petition) but not by the review petitioner in his writ affidavit while filing this Writ Petition. Therefore the contention of the review petitioner that this Court is aware of the above said fact even before passing the order dated 19.07.2024 is of no avail to the review petitioner. There is not even a single whisper about the same, as such the actual facts brought to the notice of this Court by Respondent No.4 cannot be treated as the facts disclosed by review petitioner in any manner.

8. Further, it is settled principle that the Application for review under Order 47 Rule 1 of the Code of Civil Procedure allows a Court to reconsider its own judgment for specific, limited reasons, primarily to correct an "error apparent on the face of the record," discover new and important evidence not available earlier, or for "any other sufficient reason," but it is not an Appeal in disguise to re-appreciate evidence or alter findings of fact.

9. The Hon'ble Supreme Court in **Aribam Tuleshwar Sharma v. Aribam Pishak Sharma**¹ noted that power of review is not to be exercised on grounds that the decision is erroneous on merits. The relevant para of the judgement is reproduced herein below:-

" 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."

10. In **Meera Bhanja v. Nirmala Kumari Choudhury**², the Hon'ble Supreme Court in Para – 8&9 held 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 Tuleshwar Sharma v. Aribam Pishak Sharma, speaking

¹ (1979) 4 SCC 3892

² (1995) 1 SCC 170

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.”

11. In ***Haridas Das v. Usha Rani Banik***³, the Hon'ble Supreme Court in Para - 13 held as under :

“ 13. In order to appreciate the scope of a review, Section 114 CPC has to be read, but this section does not even adumbrate the ambit of interference expected of the court since it merely states that it —may make such order thereon as it thinks fit. The parameters are prescribed in Order 47 CPC and for the purposes of this lis, permit the defendant to press for a rehearing —on account of some mistake or error apparent on the face of the records or for any other sufficient reason. The former part of the rule deals with a situation attributable to the applicant, and the latter to a jural action which is manifestly incorrect or on which two conclusions are not possible. Neither of them postulate a rehearing of the dispute because a party had not highlighted all the aspects of the case or could perhaps have argued them more forcefully and/or cited binding precedents to the court and thereby enjoyed a favourable verdict. This is amply evident from the Explanation to Rule 1 of Order 47 which states that the fact that the decision on a question of law on which the judgment of the court is based has been reversed or modified by the subsequent decision of a superior court in any other case, shall not be a ground for the review of such judgment. Where the order in question is appealable the aggrieved party has adequate and efficacious remedy and the court should exercise the power to review its order with the greatest circumspection.”

12. In view of the above settled legal position, as also from the reading of the averments and grounds raised in the Review Application, this Court is unable to come to a finding that the present Application does fall under the scope and ambit

³ (2006) 4 SCC 78

of Section 114 read with Order 47 Rule 1 of CPC.; there is error apparent on the face of the record and there is any discovery of new evidence after the exercise of due diligence which was not within the knowledge of review petitioner seeking review or could not be produced by them at the time when the order was made. In fact, review petitioner though is very well aware of the proceedings initiated by Respondent No.4 in S.E.No.3 of 2010 on the file of the Authority under Section 48(1) of the A.P. Shops and Establishments Act, 1988, questioning illegal termination and also about order, dated 16.09.2013 passed in S.E.No.3 of 2010 which was allowed granting the relief of reinstatement, back-wages and other attendant benefits to Respondent No.4; about review petitioner filing S.A.No.1 of 2013 on the file of the Appellate Authority under Section 48(2) of the Act, 1988 and its dismissal *vide* order, dated 31.12.2014 by the Appellate Authority; Writ Petition No.30342 of 2015 filed by review petitioner; its dismissal and subsequent Writ Appeal No.750 of 2017 before a Division Bench of this Court as stated supra; Writ Appeal was also dismissed confirming the orders passed in S.E.No.3 of 2010 as confirmed in S.A.No.1 of 2013 has not brought to the notice of this Court by the review petitioner and it was brought to notice of this Court by respondent No.4 but not by review petitioner.

13. For the reasons stated above, this Court is of the opinion that Review Application is not maintainable as there is no error apparent on the face of the record as contended by review petitioner.

14. Review Application No. 3 of 2024 is dismissed.

15. Consequently, the miscellaneous Applications, if any shall stand closed.

NAGESH BHEEMAPAKA, J

24th February 2026

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