

D/L.36.
August 11, 2025.
MNS.

RVW No. 241 of 2025
+
CAN 1 of 2025
in
FMAT 59 of 2025

Institute for Steel Development and Growth
(INSDAG) and another
Vs.
Asim Kumar Samanta and others

Mr. Rabilal Moitra, Ld. Sr. Adv.,
Mr. Shiv Shankar Banerjee,
Mrs. Anupa Banerjee,
Ms. Arijita Ghosh

... for the review applicant.

Mr. Arif Ali,
Mr. Prabhat Kr. Srivastava,
Mrs. Arunima Lala

...for the opposite party/appellant.

1. The present review application has been filed on the ground of certain purported errors apparent on the face of the order dated July 10, 2025 passed by this Court in FMAT No. 59 of 2025, heard along with CAN 1 of 2025 and CAN 2 of 2025.
2. Learned senior counsel appearing for the review applicant argues that in the letter of appointment of Shri Asim Kumar Samanta, the opposite party/appellant, it was categorically mentioned in Clause 1.7 that the appellant shall be subject to the Service Rules and Regulations, including the Conduct Rules as well as the Administrative Orders of the Institute in force from time to time, and shall

obey all such orders and directions as he may receive from his superiors.

3. Learned senior counsel seeks to take the Court through the averments made in the review application, particularly in paragraph 17 thereof, where a narrative of the developments with regard to the rules of service followed by the review applicants has been given.
4. It is argued that the Institute/Society was formed in the year 1996 and since 1996, the Institute has time and again adopted different rules. In the year 2000, the Society had agreed to follow its own rule for service conditions and such was also approved by the Executive Council, who are the Governing Body of the Institute. Thereafter in 2001, the Society resolved and it was approved by the Executive Council that the Society will follow the rules of the Joint Plant Committee (JPC) for its personnel and administrative matters. Thereafter in 2008 and 2009, it was decided by the Society that the SAIL rules will be followed for administrative matters of the Society and thereafter in 2022 the new Rule (HR Manual) came into force.
5. Learned senior counsel also places reliance on an earlier order of this Court dated December 23, 2024 passed in FMAT 485 of 2024 along with IA No. CAN 1 of 2024, where it had been observed,

inter alia, that in the Memorandum of Charges dated November 28, 2024, although a reference had been made to the provisions of the Major Penalties of the Conduct, Discipline and Appeal Rules, 2022 of the respondent no. 1-Institute, the same has to be read in proper perspective.

6. That apart, learned senior counsel for the review applicant expresses apprehension that the observations as to perceived bias of the review applicants might be held against the review applicants at subsequent stages of the suit and connected applications.
7. Learned counsel appearing for the opposite party opposes the arguments of the review applicant.
8. However, at the stage of admission of the review, we find that no clear case of error apparent on the face of the records has been made out by the review applicants, inasmuch as the order under review was passed upon hearing both sides and all due considerations to the matters at hand were given. The arguments now sought to be advanced are in respect of certain developments and rules which were within the knowledge of the review applicant at the time when the order under review was passed, but no specific arguments in regard to those were made or at least reflected in the order under review.

9. Thus, even if for argument's sake it were to be assumed that there was an error in the order under review, the same would at best partake the character of a legal error which would be amenable to appellate jurisdiction and would not come within the limited scope of Order XLVII of the Code of Civil Procedure, not being an error which is apparent on the face of the order under review or the records.

10. In any event, the apprehension of the review applicants that the observations of this Court in the order under review, regarding the perceived bias or scope of bias of the review applicants would affect adversely the review applicants at subsequent stages of the suit, is misplaced.

11. Needless to say, the observations made in the order under review were strictly for the limited purpose of deciding the illegality of the order impugned in the said appeal and do not traverse beyond the adjudication of the appeal.

12. Such observations were tentative, only for the purpose of deciding the appeal and the connected applications, and shall not be binding on the learned trial Judge and/or be prejudicial of either of the parties to the suit at any subsequent stage of the suit or interlocutory applications, if any, pending before the learned trial Judge.

13. With the above observations, RVW 241 of 2025 is dismissed.

14. Consequentially CAN 1 of 2025 is also dismissed.

15. Leave is granted to both sides to seek appropriate orders from the learned trial Court in respect of joining of the opposite party in the review application in his service and, if so, the order of such joining would be subject to any reversal of the benefits already given to the opposite party in the review application by the review applicant keeping in view the purported termination of the opposite party.

16. If such an application is filed before the learned trial Judge, the learned trial Judge shall decide the same in accordance with law.

17. There will be no order as to costs.

(Uday Kumar, J.)

(Sabyasachi Bhattacharyya, J.)