



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

135

CM-3165-CWP-2025 in/and
RA-CW-106-2025 and
CM-8787-CWP-2025 in/and
RA-CW-267-2025 in
CWP-10291-2023

Date of decision : 20.08.2025

Sanjeev Batish

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Ramender Singh Chauhan, A.A.G., Haryana
for the applicant in CM-3165-CWP-2025 in/and
RA-CW-106-2025.

Mr. A.S. Chadha, Advocate
for the applicant/respondent No.3 in
CM-8787-CWP-2025 in/and RA-CW-267-2025.

Mr. Shreenath A. Khemka, Advocate with
Mr. Tushar Gupta and Mr. Ashish Pundir,
Advocates for the non-applicant/petitioner.

NAMIT KUMAR, J. (ORAL)

1. The applicant/State has filed the review application bearing No.RA-CW-106-2025 along with application bearing No.CM-3165-CWP-2025 for condonation of delay of 67 days in filing the review application and applicant/respondent No.3 has filed the review application bearing No.RA-CW-267-2025 along with application bearing No.CM-8787-CWP-2025 for condonation of delay of 157 days in filing the review application, under Section 114 read with Order 47 Rule 1 of Civil Procedure Code, 1908 for reviewing/recalling the order



CM-3165-CWP-2025 in/and
RA-CW-106-2025 and
CM-8787-CWP-2025 in/and
RA-CW-267-2025 in
CWP-10291-2023

2

dated 21.11.2024 passed by this Court, whereby main writ petition filed by the petitioner has been allowed with the following directions :-

“xx xx xx xx xx

14. In view of the foregoing discussion and abovesaid authoritative enunciation of law by this Court, the present petition is allowed and impugned order dated 22.02.2023 (Annexure P-10) is set aside. The respondents are directed to consider the case of the petitioner for promotion to the post of Executive Engineer (Mechanical) by counting the service rendered by him as Sub Divisional Engineer on Current Duty Charge basis, within a period of 03 months from the date of receipt of certified copy of this judgment, with all consequential benefits.”

2. Learned counsel for the review applicants submit that the judgment in the case of ***Chandigarh Administration Vs. Vipin Gupta and another : 2011(2) S.C.T. 506*** which has been upheld in ***Special Leave to Appeal (Civil) No.2680 of 2011 titled as ‘Chandigarh Administration Vs. Vipin Gupta and another’ decided on 06.02.2013***, is not applicable to the facts of the present case.

3. The Hon'ble Supreme Court in its recent judgment passed in ***Sanjay Kumar Aggarwal Vs State Tax Officer & another and connected matters : (2024) 2 SCC 362***, while examining the scope of review, has held as under:-

“xx xx xx xx xx

16. The gist of the afore-stated decisions is that: -

(i) A judgment is open to review inter alia if there is a mistake or an error apparent on the face of the record.



CM-3165-CWP-2025 in/and
RA-CW-106-2025 and
CM-8787-CWP-2025 in/and
RA-CW-267-2025 in
CWP-10291-2023

3

(ii) *A judgment pronounced by the Court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so.*

(iii) *An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of record justifying the court to exercise its power of review.*

(iv) *In exercise of the jurisdiction under Order 47 Rule 1 CPC, it is not permissible for an erroneous decision to be “reheard and corrected.”*

(v) *A Review Petition has a limited purpose and cannot be allowed to be “an appeal in disguise.”*

(vi) *Under the guise of review, the petitioner cannot be permitted to reagitate and reargue the questions which have already been addressed and decided.*

(vii) *An error on the face of record must be such an error which, mere looking at the record should strike and it should not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.*

(viii) *Even the change in law or subsequent decision/judgment of a co-ordinate or larger Bench by itself cannot be regarded as a ground for review.*

xx xx xx xx xx”

4. To the same effect are the judgments passed by the Hon'ble Supreme Court in ***Tamilnadu Terminated Full Time Temporary LIC Employees Association Vs. S.K. Roy, the Chairman, Life Insurance Corporation of India and another'*** : 2016 (4) SCT 288 and in ***State of West Bengal and others Vs. Kamal Sengupta and another*** : 2008 (8) SCC 612.



**CM-3165-CWP-2025 in/and
RA-CW-106-2025 and
CM-8787-CWP-2025 in/and
RA-CW-267-2025 in
CWP-10291-2023**

4

5. In the garb of review applications, the matter cannot be re-argued. Further, it is also a fact that although, applicant/respondent No.3 was duly served in the writ petition, however, neither he had appeared before the Court nor filed any reply to the petition.

6. In view of the above, no ground for reviewing the order dated 21.11.2024 is made out. Consequently, both the review applications are dismissed.

7. Since the review applications are dismissed, therefore, no orders are required to be passed in the applications for condonation of delay.

20.08.2025

kothiyal

**(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No