CGHC010350722026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

REVP No. 384 of 2026

1 - South Eastern Coalfield Company Ltd. Through The Chairman, Kol Bhawan, Promise No. 04, Mar Plot No.- A.F.- Iii, Action Area 1-A, New Town, Rajar Hat, Kolkata (West Bengal) Pin 700156, District Kolkata, West Bengal

2 - Chief Managing Director, S E C L, Basant Vihar, Seepat Road, Bilaspur, District Bilaspur, Chhattisgarh

3 - Director (Personnel), S E C L, Basant Vihar, Seepat Road, Bilaspur, District Bilaspur, Chhattisgarh

4 - General Manager, Baikunthpur, S E C L Baikunthpur, Post Office Baikunthpur, District Koriya (Baikunthpur), Chhattisgarh

... Petitioners

versus

Vasu Deo Prasad S/o Late Shri Rohan Prasad, Aged About 54 Years Working On The Post Of Assistant Manager, Charcha West Mines, S E C L Baikunthpur Area (E I S No. 90371402) R/o Quarter No. Type-3/33, Shivpur Charcha, Post Charcha, District Koriya Chhattisgarh. Pin 497339, District Koriya (Baikunthpur), Chhattisgarh

... Respondent

For Petitioners	**:**	Mr. Vaibhav Shukla with Ms. Shrejal Gupta, Advocate
For Respondent	**:**	None

Hon'ble Shri Justice Sachin Singh Rajput

Order On Board

03.11.2026

1. The present review petition has been filed by the petitioner under Section 114 read with Order XLVII Rule 1 of the Code of Civil Procedure, 1908 (for short, “the CPC”) seeking review of the order dated 04.08.2026 passed by this Court

in WPS No. 3395 of 2020 whereby the writ petition was disposed of with the observations made in paragraph 6 thereof which read as under:

> "Be that as it may, since the Age Determination Committee is the competent authority to determine the petitioner's date of birth, it would be appropriate to refer the matter to the said Committee. Accordingly, the concerned authority is directed to refer the petitioner's case to the Age Determination Committee, which shall determine the petitioner's date of birth in accordance with the applicable rules/policy. Since the petitioner has already retired from service, the competent authority shall consider and pass a reasoned and speaking order within a period of three months from the date of receipt of a certified copy of this order."

2. Learned counsel for the review petitioner submits that the writ petition was instituted by the petitioner at the fag end of his service career wherein his date of birth was recorded as 01.07.1961 in his service records. He submits that before the writ Court, a submission was made on behalf of the petitioner that in the event the petitioner submitted a representation before the competent authority, the same would be considered and decided in accordance with law within a reasonable period. However, instead of directing the competent authority to consider and decide the representation, this Court directed the matter to be referred to the Age Determination Committee. According to learned counsel, such a course was impermissible in view of the provisions of the National Coal Wage Agreement which according to him, do not contemplate reference of an employee belonging to the executive cadre to the said Committee. He further submits that the order suffers from an error apparent on the face of the record warranting interference in review jurisdiction. On the aforesaid ground, issuance of notice on the review petition is prayed for.

3. I have heard learned counsel for the review petitioner and perused the record.

4. It is well settled that the power of review is to be exercised sparingly and within the limited ambit of Order XLVII Rule 1 of the CPC. A review cannot be treated as an appeal in disguise, nor can it be invoked to re-appreciate the evidence or re-examine issues already adjudicated upon. If the relief sought is intended to alter the substance of the judgment or substitute one possible view for another, the appropriate remedy lies in appeal and not by way of review. The Division Bench of this Court in the matter of **Union of India Vs. Abhishek Jain and ors**. passed in **REVP No. 83/2025** order dated 25.04.2025, has observed that review jurisdiction can be exercised only to correct an error apparent on the face of the record. Similarly, the Hon'ble Supreme Court in ***S. Madhusudan v. Narayana Reddy & Others*, 2022 LiveLaw (SC) 685**, has held that while a patent or manifest error may justify review, an error requiring a process of reasoning or re-appreciation of the matter cannot be treated as an error apparent on the face of the record.

5. Further, the Supreme Court in the matter of **Lily Thomas and others v. Union of India and others** reported in **(2000) 6 SCC 224** has held that the power of review is not an appellate power and cannot be exercised merely because another view is possible. Relevant portion thereof reads as under:-

> *"56. It follows, therefore, that the power of review can be exercised for correction of a mistake and not to substitute a view. Such powers can be exercised within the limits of the statute dealing with the exercise of power. The review cannot be treated an appeal in disguise. The mere possibility of two views on the subject is not a ground for review. Once a review petition is dismissed no further petition of review can be entertained. The rule of law of following the practice of the binding nature of the larger Benches and not taking different views by the Benches of coordinated jurisdiction of equal strength has to be followed*

> *and practised. However, this Court in exercise of its powers under Article 136 or Article 32 of the Constitution and upon satisfaction that the earlier judgments have resulted in deprivation of fundamental rights of a citizen or rights created under any other statute, can take a different view notwithstanding the earlier judgment."*

6. In the present case, upon consideration of the grounds raised in the review petition, this Court finds that the grievance of the review petitioner essentially relates to the course adopted by the writ Court while disposing of the writ petition by directing the matter to be referred to the Age Determination Committee for consideration and passing of a reasoned order. The contention that such a reference was impermissible in the case of an employee belonging to the executive cadre having regard to the provisions of the National Coal Wage Agreement essentially calls for an examination of the merits of the controversy and the correctness of the direction issued by the writ Court. Such an exercise would necessarily amount to reconsideration of the matter on merits which is beyond the permissible limits of review jurisdiction.

7. In view of the foregoing discussion, this Court is of the considered opinion that the review petitioner has failed to demonstrate any error apparent on the face of the record or any other sufficient ground warranting exercise of the review jurisdiction of this Court. The grounds raised in the review petition do not satisfy the requirements of Order XLVII Rule 1 of the CPC.

8. Consequently, the review petition being devoid of merit, is hereby **dismissed**.

Sd/-

(Sachin Singh Rajput)
Judge

H.Ansari