CGHC010366102026 2026:CGHC:42913

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KUNAL DEWANGAN

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HIGH COURT OF CHHATTISGARH AT BILASPUR

REVP No. 343 of 2026

Sub Area Manager South Eastern Coalfield Limited (S E C L), Hasdeo Area, South Jhagrakhand, Post Office Kursia Colliery, District Korea Chhattisgarh. 497448,

... Petitioner(s)

versus

1 - The Appellate Authority Under The Payment Of Gratuity Act 1972 And The Deputy Chief Labour Commissioner (C) Govt. Of India, Ministry Of Labour And Employment, D-6, Adarsh Society, Sector 1, Avanti Vihar Raipur Chhattisgarh.,

2 - The Controlling Authority And The Regional Labour Commissioner (C) Bilaspur Under The Payment Gratuity Act , 1972, Torwa Road, Bilaspur Chhattisgarh.,

3 - Shri Trinath Gour / Gaur Ex - Clerk Grade- 1 S E C L, R/o Mukam Godripara, (Near Odiya School) P.O. Kursia Colliery District Korea Chhattisgarh., -497555

.. Respondent(s)

For Review Petitioner : Mr. Vivek Verma, Advocate
For Respondents : Mr. Chandresh Shrivastava, Advocate.

Hon'ble Shri Justice Rakesh Mohan Pandey

Judgment On Board

05.10.2026

1. The review petitioner has filed this review petition for re-call/modification of the judgment passed in WPL No. 34 of 2021 dated 02.07.2026.

2. Learned counsel for the review petitioner would submit that the Central Government Industrial Tribunal (CGIT) has affirmed the order of dismissal passed against respondent No.3 and therefore, the judgment passed in WPL No.34 of 2021 is required to be reviewed. He would pray to allow instant review petition.

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

4. In the matter of ***Parsion Devi and others v. Sumitri Devi and others*****, *1997 (8) SCC 715***, the Hon'ble Supreme Court in para-9 held as under:-

> ***9.*** *"Under Order 47 Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. 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 the record justifying the court to exercise its power review under Order 47 Rule 1 CPC. In exercise of the jurisdiction under Order 47 Rule 1 CPC it is not permissible for an erroneous decision to be "reheard and corrected". A review petition, it must be remembered has limited purpose and cannot be allowed to be "an appeal in disguise."*

5. In the matter of ***Perry Kansagra v. Smriti Madan Kansagra***, ***2019 (20) SCC 753***, the Hon'ble Supreme Court in para 15.1 held that:-

> ***15.1.*** *In Inderchand Jain it was observed in paras 10, 11 and 33 as under: (SCC pp. 669 & 675)*

"10. It is beyond any doubt or dispute that the review court does not sit in appeal over its own order. A rehearing of the matter is impermissible in law. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered. It is also trite that exercise of inherent jurisdiction is not invoked for reviewing any order.

11. Review is not appeal in disguise. In Lily Thomas v. Union of India this Court held: (SCC p. 251, para 56)

> *56. It follows, therefore, that the power of review can be exercised for correction of a mistake but 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 like an appeal in disguise."*

33. The High Court had rightly noticed the review jurisdiction of the court, which is as under:

"The law on the subject exercise of power of review, as propounded by the Apex Court and various other High Courts may be summarised as hereunder:

(i) Review proceedings are not by way of appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 CPC.

(ii) Power of review may be exercised when some mistake or error apparent on the fact of record is found. But error 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 the points where there may conceivably be two opinions.

(iii) Power of review may not be exercised on the ground that the decision was erroneous on merits.

(iv) Power of review can also be exercised for any sufficient reason which is wide enough to include a misconception of fact of law by a court or even an advocate.

(v) An application for review may be

> *necessitated by way of invoking the doctrine actus curiae neminem gravabit.*
>
> *In our opinion, the principles of law enumerated by it, in the facts of this case, have wrongly been applied.*

6. In the matter of ***M/S Shanti Conductors (P) Ltd v. Assam State Electricity Board***, ***2020 (2) SCC 677***, the Hon'ble Supreme Court dismissed the petition and held that "*The scope of review is limited and under the guise of review, petitioner cannot be permitted to reagitate and reargue the questions, which have already been addressed and decided*."

7. In the matter of ***Beghar Foundation v. K.S. Puttaswamy, (2021) 3 SCC 1***, the Hon'ble Supreme Court held that "*even the change in law of or subsequent decision/judgment of a coordinate or larger Bench by itself cannot be regarded as a ground for review*."

8. Having considered the fact that WPL No. 34 of 2021 was decided by this Court on 02.07.2026 after taking into consideration the provisions of Section 4 of Payment of Gratuity Act, 1972 and the law laid down by the Hon'ble Supreme Court and there is no error apparent on the face of record therefore, the prayer sought for recall/modification of the judgment passed in WPL No. 34 of 2021 by way of this review petition is not permissible and in the opinion of this Court, no ground is made out for review.

9. Consequently, the instant review petition is hereby **dismissed**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Kunal