
(2023) 01 SHI CK 0042
In the High Court Of Himachal Pradesh
Case No : Review Petition No. 266 Of 2022

Dinesh Kumar And Ors

APPELLANT

Vs

HRTC And Ors

RESPONDENT

Date of Decision : 11-01-2023

Acts Referred:

Citation : (2023) 01 SHI CK 0042

Hon'ble Judges : Sandeep Sharma, J

Bench : Single Bench

Advocate : R.L. Chaudhary, Shaym Singh Chauhan

Final Decision : Dismissed

Judgement

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Sandeep Sharma, J

1. By way of present Review Petition, prayer has been made on behalf of the petitioners to review and recall the judgment dated 11.11.2021, passed by this Court in CWPOA No. 4619 of 2020, titled as: Harish Kumar and Ors v. HRTC & Anr., whereby this Court disposed of the petition with direction to the respondents to extend the benefit to the petitioner in light of judgment dated 29.9.2021, passed by this Court in CWPOA No. 2531 of 2019, Santosh Kumar and Ors v. State of HP and Anr.

2. I have heard learned counsel for the parties and gone through the record of the case.

3. The grounds raised are nothing but reiteration of the grounds urged in the writ petition. The review jurisdiction is not meant to appreciate and re-appreciate the facts already considered and urged. The review petition cannot be equated with original hearing of the case and finality of the judgment cannot be questioned by opening the entire case. The submission made that the decision suffers from an error apparent on the face of the record cannot be accepted. The Hon'ble

Supreme Court in M/s. Thungabhadra Industries Ltd. vs. The Government of Andhra Pradesh, AIR 1964 SC 1372, held:

"11.a review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error. We do not consider that this furnishes a suitable occasion for dealing with this difference exhaustively or in any great detail, but it would suffice for us to say that where without any elaborate argument one could point to the error and say here is a substantial point of law which stares one in the face, and there could reasonably be no two opinions entertained about it, a clear case of error apparent on the face of the record would be made out...." (P.1377)

4. This Court sees no material irregularity manifest in the order, undermining its correctness or resulting into miscarriage of justice. Needless to say that the review is not an appeal in disguise, entitling a party to be heard, simply because the party wants decision to be otherwise.

5. Consequently, in view of above, as well as principles laid down in the judgments rendered by Hon'ble Apex Court in Kunha Yammed and Others vs. State of Kerala and Another, (2000)6 SCC 359, Akhilesh Yadav Etc. vs. Vishwanath Chaturvedi, (2013)2 SCC 1, Kamlesh Verma vs. Mayawati & Ors, (2013)8 SCC 320 and N.Anantha Reddy vs. Anshu Kathuria and Others, (2013)15 SCC 534, the present petition is dismissed. Pending applications, if any, are also disposed of.