

(2020) 09 DEL CK 0203

In the Delhi High Court

Case No : Civil Writ Petition No. 9966 Of 2017

Irteza Zulfikar

APPELLANT

Vs

Rites Ltd. And Anr

RESPONDENT

Date of Decision : 29-09-2020

Acts Referred:

Code Of Civil Procedure, 1908 — Order 47, Order 47 Rule 1

Citation : (2020) 09 DEL CK 0203

Hon'ble Judges : Siddharth Mridul, J; Talwant Singh, J

Bench : Division Bench

Advocate : Shankar Raju, Nilansh Gaur, Kailash Vasdev, G.S. Chaturvedi

Final Decision : Dismissed

Judgement

Siddharth Mridul, J

REVIEW PET. 116/2020 in W.P.(C) 9966/2017

1. The present review petition under the provisions analogous to Order XLVII, Rule 1 of the Code of Civil Procedure, 1908 (for short 'CPC'), has been instituted on behalf of the RITES Ltd., seeking review of the order dated 21.01.2020, passed by this Court in Writ Petition (Civil) No.9966/2017, whereby they had been directed to consider the case of the original petitioner in the writ petition for regularisation, subject to availability of vacancy, in terms of the Rule 9 of the Recruitment Rules, read with Policy dated 13.12.2013, as and when vacancy occurs in the lowest post in Executive Cluster-I, subject of course to the petitioner fulfilling all other eligibility conditions.

2. Mr. Kailash Vasdev, learned Senior Advocate appearing on behalf of the review petitioner, has, in sum and substance, urged that, there is an error apparent on the face of the record of the order, of which review is sought, inasmuch as, the same failed to consider that, the petitioner was not in service on the date, the Court directed RITES Ltd. to consider her for regularisation.

3. Mr. Shankar Raju, learned counsel appearing on behalf of the original petitioner, on the contrary would urge that, the ground asseverated on behalf of the review petitioner is outside the scope and ambit of the provisions of Order XLVII CPC and do not constitute a valid ground for review of this Court's order dated 21.01.2020.

4. Mr. Shankar Raju, learned counsel has invited our attention to the decision of the Hon'ble Supreme Court in 'State of West Bengal & Ors. v. Kamal Sen Gupta and Anr.' reported as (2008) 8 SCC 612 and, in particular, paragraphs 35 thereof, to urge that, the power of review can only be exercised, on the grounds enumerated in Order XLVII, Rule 1 CPC and not otherwise and further that, an error which is not self-evident and which must be discovered by long process of reasoning, cannot be treated as an error apparent on the face of the record justifying the power of review.

5. Lastly, our attention has been invited to (v) of paragraph 35, where the Hon'ble Supreme Court enunciated the principles for the exercise of the power of review by holding that, an erroneous order/decision cannot be corrected in the guise of exercise of power of review. In other words, it is the submission of Mr. Shankar Raju, learned counsel appearing on behalf of the original petitioner that, the present review petition is nothing but an attempt to reargue the case, which has already been adjudicated by this Court, by way of the order dated 21.01.2020.

6. Having heard learned counsel appearing on behalf of the parties and perused the order dated 21.01.2020, of which review is sought and, in particular, paragraphs 8, 9, 10 and 11, we are of the view that, no cogent grounds for review of the said order, specifically on the assertion that, there is an error apparent on the face of the record, has been made out.

7. The review being devoid of merits, is accordingly dismissed and disposed of.