

(2020) 02 CHH CK 0110
In the Chhattisgarh High Court
Case No : Review Petition No. 200 Of 2019

M/S S.K. Industries

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision : 13-02-2020

Acts Referred:

Constitution Of India, 1950 — Article 226
High Court Of Chhattisgarh Rules, 2007 — Rule 90(2)
Code Of Civil Procedure, 1908 — Order 47 Rule 1
Employees Compensation Act, 1923 — Section 30

Citation : (2020) 02 CHH CK 0110

Hon'ble Judges : Prashant Kumar Mishra, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

1. The matter is taken up for consideration in the chamber under provisions of sub-rule (2) of Rule 90 under Chapter VI of the High Court of Chhattisgarh Rules, 2007.

2. The review petitioner seeks review of the order dated 18.07.2019 passed by this Court in WPL No.137 of 2017 on the ground that the writ petition

filed basically on the ground that formation of State of C.G. and even the adaption of Acts and Rules by virtue of M.P. Re-organization Act, 2000 the

State of C.G. issued notification dated 19.07.2002 while exercising the power vested under Section 20(1) of the Act of 1960. In light of above

notification which supersedes all the earlier notification issued by erstwhile State of M.P. therefore presiding officer of Labour Court are not

empowered to act as Commissioner workmen compensation for their respective places. According to the review petitioner, in the order dated

18.07.2019 read with order dated 18.07.2019 passed in WPL No.137/2017 and

order 18.07.2019 passed in WP No.203 of 2005 does not touch the root issue involved in Writ Petition.

3. After going through the record of the Writ Petition it is evident that this Court on considering all the aspects of the matter passed the order which is sought to be reviewed and granted liberty to the petitioner to prefer an appeal under Section 30 of the Employees Compensation Act, 1923.

4. On consideration of the above-stated grounds, which are in the nature of taking liberty to re-argue the writ petition are unsustainable in the eyes of law.

5. There is no other ground pointed out by the petitioner showing any manifest error on the record and has not further brought into the notice, any new facts, which could not be produced earlier despite diligent efforts made by the petitioner. It is well settled principles of law that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of the Code of Civil Procedure. Even in exercise of review jurisdiction by the High Court under Article 226 of the Constitution, the petitioner has not produced any ground for review.

6. It appears that the petitioner by presentation of this review petition seeks an opportunity to argue the entire case afresh on merits under the garb of the review petition, which is not permissible and tenable in law.

7. It is well settled principle of law that under the garb of review petition, the petitioner should not be permitted to argue the entire case afresh, which would amount to convert the review petition into an appeal and the same is not sustainable in law. (See: Meera Bhanjan v. Smt. Nirmal Kumar

Chowdhary, AIR 1995 SC 455, Lily Thomas etc. v. Union of India and others, AIR 2000 SC 1650, Ajit Kumar Rath v. State of Orissa and others,

AIR 2000 SC 85, Government of T.N. & Others v. M. Ananchu Asari and others, (2005) 2 SCC 332, and Kerla State Electricity Board v. Hitech

Electrothermicism & Hydropower Ltd. and others, (2005) 6 SCC 651.

8. As a sequel, the review petition, sans substratum is liable to be and is hereby dismissed.