

(2026) 01 OHC CK 1796

In the Orissa High Court

Case No : Review Petition No. 102 Of 2024

Naresh Chandra Mohanty

APPELLANT

Vs

Om Prakash Singh, CMD MCL, Jagruti Vihar, Burla Sambalpur
And Another

RESPONDENT

Date of Decision : 22-01-2026

Acts Referred:

Code Of Civil Procedure, 1908 — Section 114, Order 47 Rule 1

Citation : (2026) 01 OHC CK 1796

Hon'ble Judges : Aditya Kumar Mohapatra, J

Bench : Single Bench

Advocate : Naresh Chandra Mohanty, S.D. Das, H. Mohanty, K. Sattar, D. Samantaray

Final Decision : Disposed Of

Judgement

Aditya Kumar Mohapatra, J

1. The above noted review petition has been filed by the Petitioner, who happens to be the Writ Petitioner, in person under Section 114 read with Order-47 of the Code of Civil Procedure seeking review of the judgment and order dated 23.02.2024 passed by this Court in CONTC No.3931 of 2023, arising out of W.P.(C) No.10786 of 2022.

2. Heard Mr. Naresh Chandra Mohanty, the Petitioner-in-person, as well as Mr. S.D. Das, learned Senior Counsel appearing for the Opposite Parties. Perused the review petition and the documents annexed thereto.

3. The factual backdrop of the Petitioner's case, in a nutshell, is that earlier the Petitioner had approached this Court by filing a Writ Petition bearing W.P.(C) No.10786 of 2022 with a prayer for a direction to the Opposite Party No.2 to appoint him in the post of Electrician CAT-III (T) which was lying vacant as per Annexure-9 to the writ petition, by restoring the seniority as per the select list which was published by the MCL in the year 1996 or, in the alternative, pay the

Petitioner adequate compensation for the damages caused to him as a result of arbitrary and whimsical act of the Opposite Parties.

4. The above noted Writ Petition filed by the Review Petitioner was heard and disposed of vide judgment dated 24.02.2023 by directing the Petitioner to approach the Opposite Parties along with copy of the judgment and in such eventuality, it was further directed that the Opposite Parties shall consider the case of the Petitioner for appointment of the Petitioner on contractual basis as an Electrician in MCL subject to the eligibility and suitability of the Petitioner. A further direction was also given to the effect that in the event it was found that the Petitioner is age-barred, then the Opposite Parties shall also consider the case of the Petitioner and give him an engagement on contractual basis subject to availability of the post and requirement of service of Electrician in MCL. The aforesaid direction of this Court was subject to the condition that the same shall not confer any right upon the Petitioner and he cannot claim any post as a matter of right and, that such a direction was given only in the factual background of the present case.

5. After disposal of the writ petition, the Petitioner approached the Opposite Parties to consider his case in terms of the judgment dated 24.02.2023. Since the Opposite Parties did not consider his case in terms of the aforesaid judgment, the Petitioner filed a contempt application bearing CONTC No.3931 of 2023. The Opposite Parties-Contemnors appeared in the contempt application and submitted their show cause reply stating therein that the Opposite Parties-Contemnors shall take prompt steps for complying with the judgment dated 24.02.2023. In the show cause affidavit, the Opposite Parties-Contemnors have also referred to the chequered history of the present case and have indicated details of a series of litigations initiated at the instance of the present Petitioner against the Opposite Party-Corporation.

6. The Opposite Parties-Contemnors further took a stand that although a right had accrued in favour of the Petitioner vide order dated 02.05.2008, however, such right having been negated by the Hon'ble Supreme Court vide order dated 27.01.2011 in SLP(C) No.14784 of 2008, the Petitioner could not have claimed for appointment.

7. It was further submitted on behalf of the Opposite Parties-Contemnors that the Petitioner approached the Opposite Parties by filing representations on 06.03.2023, 12.03.2023, 16.03.2023 and 03.04.2023. Such representations filed at the instance of the Petitioner were duly examined keeping in view the order dated 24.02.2023 by the Contemnors and eventually the same were disposed of vide order dated 20.04.2023 by the Deputy General Manager, MCL by passing a reasoned and speaking order. A specific stand was taken in the show cause affidavit by the Opposite Parties-Contemnors that there is no provision of appointment of Electrician on contractual basis in MCL. As such, there is no scope to accommodate the Petitioner as Electrician on contractual basis. The Opposite Parties-Contemnors further took a stand that MCL has not issued any

advertisement for recruitment of Electrician-CAT-III (T).

8. On a careful consideration of the submission made by the Petitioner as well as learned Senior Counsel appearing for the Opposite Parties-Contemnors in the above noted contempt application and on a careful examination of the materials on record, this Court observes that the present litigation is driven more by anxiety and sentiment of the Petitioner, and that the claim of the Petitioner has no legal basis. This Court further observes that the Petitioner has been fighting legal battles since 1996 for getting an appointment in the Opposite Party-Corporation.

9. Furthermore, pursuant to the order passed by this Court, learned Senior Counsel for the Opposite Party-Corporation filed a further affidavit on 24.09.2023 in the aforesaid contempt application. Such affidavit filed by the Opposite Party-Contemnor No.2 revealed that the Contemnors made an arrangement for engagement of the Petitioner through one of the Contractors of MCL, who has been engaged to perform contractual work of MCL and where there is requirement of the job of an Electrician. In fact the agency, namely, Mahalaxmi Saakar (JV) wrote a letter to the Petitioner dated 04.09.2023 indicating therein that they are in need of few trained electrical personnel having ITI (Electrician) Certificate along with valid HT/LT permit under Indian Electricity Rules and, accordingly, they had also sought for consent of the Petitioner for such engagement.

10. In reply to the further affidavit dated 24.09.2023 filed by the Opposite Parties-Contemnors, the Petitioner filed a reply affidavit stating therein that the offer of appointment which has been given to the Petitioner is by an outside contract agency and not by the MCL authority. Accordingly, the Petitioner-in-person stated before this Court that the offer of appointment by the third party agency is not in consonance with the order passed by this Court in the writ application that was filed at the instance of the Petitioner, and that the Opposite Parties-Contemnors have deliberately violated this Court's order.

11. On perusal of the record in the contempt proceeding, this Court was satisfied with regard to the steps taken for compliance by the Opposite Parties-Contemnors. Although this Court specifically asked the Petitioner-in-person as to how the Opposite Parties have violated this Court's order, the Petitioner, appearing in person, could not provide a satisfactory explanation to the same. Ultimately, this Court, on a careful consideration of the records as well as the submissions made by the Petitioner-in-person as well as the learned Senior Counsel appearing for the Opposite Parties-Contemnors, dropped the contempt proceeding by holding that the Opposite Parties-Contemnors have not violated this Court's order wilfully and deliberately and, as such, they are not liable to be proceeded against under the Contempt of Courts Act.

12. Immediately after disposal of the contempt application, the Petitioner has once again approached this Court by filing the present review petition seeking

review of order dated 23.02.2024 passed by this Court in CONTC No.3931 of 2023, arising out of W.P.(C) No.10786 of 2022.

13. On a careful examination of the review petition and the grounds taken under paragraph-2 of the review petition, this Court is of the considered view that none of the grounds taken therein is a good ground to seek review of the judgment and order passed by this Court on 23.02.2024. It is needless to mention here that the scope of review as has been propounded in several judicial pronouncements is that any person aggrieved can seek review of a judgment provided he satisfies the Court that there exists an error apparent on the face of the record or that there was discovery of new and important matter or evidence which, despite exercise of due diligence, was not within the knowledge of the person aggrieved or could not be produced by him at the time when the hearing took place.

14. The scope of judicial review in a review application is extremely limited and unless there is an error apparent on the face of the record, it is the settled position of law that such order/judgment does not call for any review. The words "error apparent on the face of the record" mean that the error must be glaring and apparent on the face of the record itself. Furthermore, the scope of judicial interference in a review petition has been clearly laid down in Order-47 Rule-1 of the C.P.C. Such provision has also been interpreted by the Hon'ble Supreme Court as well as various High Courts. By applying the established standards to entertain a review petition, as has been laid down by the Hon'ble Supreme Court as well as by this Court, this Court found that the Petitioner-in-person has failed to make out a case to compel this Court to exercise its review jurisdiction.

15. A written note of submission has also been filed on behalf of the Opposite Parties. The Opposite Parties to the review petition have referred to the provisions contained in Section 114 of the C.P.C as well as Order-47 Rule-1 thereof. On behalf of the Opposite Parties, it was contended that the Petitioner-in-person has failed miserably to make out a case justifying interference by this Court in exercise of its review jurisdiction. It was specifically contended that a review petition has a very limited scope and that same cannot be allowed to be 'an appeal in disguise'. Furthermore, the Petitioner cannot be permitted for re-adjudication of the issue and to re-argue the question which has already been finally adjudicated.

16. Mr. Das, learned Senior Counsel appearing on behalf of the Opposite Parties emphatically argued that whatever right had accrued in favour of the Petitioner got extinguished by order of the Hon'ble Apex Court dated 27.01.2011 passed by SLP(C) No.14784 of 2008 whereby the Hon'ble Apex Court has set aside the order dated 02.05.2008. He further submitted that after dismissal of the SLP, the filing of subsequent writ application for the self-same relief is not maintainable in law and, as such, no mandamus could have been issued by this Court in the present case. In course of argument, learned Senior Counsel appearing for the Opposite Parties referred to the judgment in Sanjay Kumar Agarwal v. State Tax

Officer(1) and Another, reported in (2024) 2 SCC 362, in the context of scope of review of this Court in a review petition.

17. In view of the aforesaid analysis of the legal as well as factual position, further applying the well settled principles governing the exercise of power of review by this Court in a review petition and further keeping in view the provisions contained in Section 114 of C.P.C read with Order-47 Rule-1 of C.P.C, this Court is of the considered view that the Petitioner in the present case has failed to make out a case for exercise of the review jurisdiction by this Court. In such view of the matter, this Court is not inclined to interfere with the judgment sought to be reviewed in the present case.

18. However, while disposing of the present review petition, this Court observes that the Opposite Parties shall do well once again extend the offer that was made to the Petitioner by the third party agency pursuant to the further affidavit dated 24.09.2023. In the event any such offer is made to the Petitioner, it is open to the Petitioner to either accept or refuse such offer within a period of eight weeks from the date such offer is extended by the Opposite Parties.

19. With the aforesaid observation, the review petition stands disposed of.