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(2019) 11 CHH CK 0067

In the Chhattisgarh High Court

Case No : Review Petition No. 160 Of 2019

Santosh Kumar Patel — APPELLANT

Vs

State Of Chhattisgarh Through Secretary And Ors — RESPONDENT

Date of Decision : 28-11-2019

Acts Referred:

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

Citation : (2019) 11 CHH CK 0067

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/workman seeks review of the order dated 13.01.2014 passed by this Court in WPL No.156 of 2013 on the ground that in an identical matter by judgment dated 27.11.2015 rendered in WA No.568 of 2015, the Division Bench observed that the workmen are entitled to reinstatement as ordered by the Labour Court. According to the review petitioner, the Single Bench also passed the identical orders on 23.4.2018 and 01.10.2018 in WPL No.102 of 2013 and WPS No.6463 of 2018 respectively.

3. After going through the record of the Writ Petition, it is manifest that this Court after appreciating all the facts and circumstances of the case, in its true perspective, decided the Writ Petition directing the State to pay a sum of Rs.75,000/- as monetary compensation to the workman.

4. Since the judgment delivered by the Division Bench in WA No.568 of 2015 and other connected matters came to be delivered subsequent to the order passed by

this Court, which is sought to be reviewed herein, this Court would not proceed to review its order dated 13.01.2014. In fact, the order, which is sought to be reviewed herein has been passed by this Court by applying law laid down by the Supreme Court in Bharat Sanchar Nigam Limited vs. Man Singh (2012) 1 SCC 558 and Assistant Engineer, Rajasthan Development Corporation & Anr. vs. Gitam Singh (2013) 5 SCC 136.

5. It is manifest that the review petitioner filed the review petition on 30.07.2019 i.e., after lapse of about 5 ½ years that too without explaining the delay in filing the same by giving the sufficient and cogent reasons and hence the review petition suffers from unexplained delay and laches and as such on this count also the review petition deserves to be dismissed.

6. 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.

7. There is no other ground pointed out by the review 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.

8. It appears that the review 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.

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

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

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