

(2010) 09 RAJ CK 0037

In the Rajasthan High Court

Case No : Civil Review Application No. 16 of 2007

The Rajasthan Co-operative Dairy Federation and Others

APPELLANT

Vs

Inder Singh

RESPONDENT

Date of Decision : 29-09-2010

Acts Referred:

Citation : (2010) 09 RAJ CK 0037

Hon'ble Judges : Dinesh Maheshwari, J;C.M. Totla, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Dinesh Maheshwari, J.—By way of this review application, the appellants of SAW No. 537/2003 seek review of the order dated 03.08.2004 whereby the Division Bench of this Court dismissed the intra-court appeal filed against the order dated 22.07.2003 passed by the learned Single Judge in CWP No. 3140/2000. In the impugned order dated 03.08.2004, the Division Bench of this Court said.

We have heard learned Counsel for the parties and perused the order of the learned Single Judge dated 22.7.2003.

Pursuant to the order dated 15.9.1997 passed by the appellant, all the Dairy Supervisors Gr.I who had completed 9 and 18 years of service, were given selection grade of Rs. 2200-4000 but the respondent was deprived of the Scale illegally and in arbitrary manner, irrespective of the fact that there was a resolution in favour of the respondent. It appears that there was misunderstanding with respect to the order dated 24.1.2000. Learned Single Judge found the act of the appellant discriminatory and granted relief to the first respondent. Learned Counsel has not been able to point any infirmity in the order of the learned Single Judge. Appellant has failed to make out a case for interference with the order of the learned Single Judge.

The Special Appeal stands dismissed.

2. It is submitted in this review application that the Hon''ble Division Bench ignored the fact that the respondent was not eligible for promotion on the post of Assistant Project Officer and hence, was not entitled to the Pay Scale of Rs. 2200-4000. The review application has been opposed on behalf of non-applicant (writ petitioner) and it has been pointed out during the course of submissions that compliance of the order impugned has already been carried out and the petitioner has been granted the requisite selection scales by the order dated 14.09.2005.

3. Having heard the learned Counsel for the parties and on perusal of record of the case, we are of the considered opinion that the grounds which are sought to be made subject matter of this review petition do not satisfy the requirements of Order 47 Rule 1 C.P.C.; and we have not been able to notice any error apparent on the face of the record of the case.

4. The learned Counsel for the applicants though argued in persuading this Court to review the order dated 03.08.2004 on the grounds pleaded in the application however, we are afraid, the grounds which are sought to be raised in review petition relate to the merits of the case on facts and may be good grounds for appeal, if filed, but not for review. What may be good in appeal may not be good for review though vice versa may hold good. We, therefore, do not wish to deal with each and every ground in detail on facts.

5. This Court in an application for review cannot exercise the appellate jurisdiction in again finding out as to whether the decision was right on facts or not. This would amount to again travelling in the merits of the case, which only the Appellate Court can do but not the Review Court.

6. Accordingly, the application for review stands dismissed.