

(2006) 08 GAU CK 0018
In the Gauhati High Court

W.Raghuchandra Singh

APPELLANT

Vs

State of Manipur and Ors.

RESPONDENT

Date of Decision : 14-08-2006

Acts Referred:

Citation : (2006) 08 GAU CK 0018

Hon'ble Judges : T.Nanda kumar Singh, J

Bench : Single Bench

Advocate : S.Nepolean Singh, S.Rupachandra Singh, Advocates appearing for Parties

Judgement

1. Heard Mr. S. Rupachandra Singh, learned counsel appearing for the petitioner.
2. By this review petition, the petitioner is asking for reviewing the judgment and order of this court dated 18.4.2006 passed in W.P(C) No.171 of 2005. From careful perusal of the present review petition as well as from the submissions of the learned counsel appearing for the petitioner, it appears that the petitioner is asking for reviewing the judgment and order of this court dated 18.4.2006 passed in W.P(C) No.171 of 2005 on the ground that the case of the petitioner that the ROP 1999 had been adopted in the Manipur Plantation Crops Corpn. Ltd. has not been effectively decided by this court. The very counsel who appeared for the petitioner in the connected writ petition, W.P(C) No.171 of 2005 is also appearing for the present review petitioner in the present review petition.
3. After hearing the learned counsel for the review petitioner at length and Mr. S. Nepolean Singh, learned counsel appearing for the respondents, this court was not in a position to come to the conclusion that the ROP 1999 was adopted in the Manipur Plantation Corps Corporation Ltd. while considering W.P(C) No.171 of 2005 but this court granted equitable relief by giving one more chance to the respondents to consider the case of the petitioner by passing the judgment and order dated 18.4.2006 in W.P(C) No.171 of 2005. 3
4. It is fairly well settled that the judgment and order is to be read as a whole

and one part of the judgment cannot be picked up in isolation of the other parts of the judgment and order for purpose of understanding the whole judgment and order. This court passed the judgment and order dated 18.4.2006 in a clear and unequivocal term stating that the case of the petitioner be considered by the respondents as to whether or not the retirement benefits as per ROP 1999 is available to him if in case ROP 1999 is implemented in the Manipur Plantation Corps Corporation Ltd. The review petition in the disguise of appeal is not acceptable and review is not for rehearing of the earlier writ petition which has already been disposed of by passing final judgment and order.

5. From the grounds of the review petition which is mentioned in para 5 of the review petition, it is clearly transpired that the petitioner is asking for rehearing of the W.P (C) No.171 of 2005. As stated above, the review petitioner was made known through his counsel that the case of the petitioner that ROP 1999 had been adopted by the Manipur Plantation Crops Corpn. Ltd. was not accepted at the time of hearing in W.P(C) No.171 of 2005 in view of the elaborate submissions made by Mr. S. Nepolean Singh, learned counsel for the respondents.

6. Every minute of the High Court is precious. The Apex Court in *Sow. Chandra Kanta & Anr Vs Sheik Habib*: AIR 1975 SC 1500 held that once an order passed by the superior court i.e. Supreme Court or the High Court is final and cannot be interfered with lightly. An application for review of the earlier judgment of superior court cannot be entertained for the 4

purpose of rehearing and once an order had been passed by the court, a review thereof must be subject to the Rules of the game and cannot be lightly interfered with and review of the judgment is a serious step and reluctant resort to. It is proper only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility. A mere repetition through different counsel of old and overruled arguments, a second trip over ineffectually covered ground or minor mistakes of inconsequential import are obviously insufficient for reviewing the earlier final judgment and order. The same principle is again reiterated by the Apex Court in *Col Avtar Singh Seklhon Vs Union of India & Ors* (supra).

7 The Apex Court in *Union of India Vs Paul Manickam & Anr*: (2003) 8 SCC 342 held that a review application for bringing a new case which could have been mentioned earlier is not maintainable. Relevant portion at Para 19 of the SCC in *Union of India Vs Paul Manickam & Anr* (supra) is quoted hereunder:

?As noted supra, for the first time in the review application it was disclosed that the representation was made to the President of India and no representation was made to the State of Tamil Nadu or the Union of India who were arrayed in the writ petition as parties. This appears to be a deliberate attempt to create confusion and reap an undeserved benefit by adopting such dubious device. The High Court also transgressed its jurisdiction in entertaining the review petition with an entirely new substratum of issues. Considering the limited scope for review, the High Court ought not to have taken into account factual aspects

which were not disclosed or were concealed in the writ petition.?

8. In view of the above discussions, this review petition is devoid of merit and dismissed with costs of Rs.1000/(Rupees one thousand)only. 5

Petitioner is to deposit the said cost of Rs.1000/ (Rupees one thousand) only in the Registry of this Bench within 7(seven) days and the Registry shall in turn deposit the same to the account of any children home run by the State Government. It is left to the Registrar of this Bench to decide to hand over the said amount of Rs.1000/(Rupees one thousand) only to any one of the principals of the children home run by the State Govt.

9. This civil review petition is dismissed.