



CGHC010051672019

Reserved on : 21.04.2026

Uploaded on : 17.07.2026

Pronounced on : 17.07.2026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Rev.P. No. 49 of 2026

1. The South Eastern Coalfield Limited Through The Chairman Cum Managing Director, Seepat Road Bilaspur (C.G.)
2. The General Manager South Eastern Coalfields Limited, Jarhi, Bhatgaon Area, District Surajpur (C.G.)
3. Sub Area Manager, Bhatgaon, Area, Surajpur (C.G.)

...Applicants

Versus

Rajeshwar Sahu, S/o Late Ramcharit aged about 35 years, R/o Village Dabripara, Post Gangauti, Tahsil Bhaiyathan, District Surajpur (C.G.)

...Non-applicant

For Applicants	: Shri Sudhir Bajpai, Advocate
For Non-applicant	: Ms. Chetna Sharma and Shri Adarsh Rajput, Advocates.

(Hon'ble Shri Justice Sachin Singh Rajput)

CAV Order

This application has been preferred seeking review of the order dated 03.11.2025 passed by this Court in WPS No. 2117/2021. By the order sought to be reviewed, the order rejecting the claim of the non-applicant for dependent employment being age barred, was set aside and the applicants herein were directed to consider and decide his claim within a period of 60 days from the date of receipt of the copy of the same.

2. The summary of this case is that after the death of deceased/employee in harness, his son (the non-applicant herein) had applied for dependent employment. However, his application was rejected by the applicants herein on the ground that taking the date of birth as mentioned in the service record of the deceased / employee to be 01.12.1976 he had attained 43 years of age and thus was age barred for receiving the dependent employment. According to the applicants, the age for securing dependent employment as per National Coal Wage Agreement (NCWA) is 35 years. However, according to the case of the non-applicant even at the writ stage he had annexed the Class 5th mark-sheet as well as the Adhaar Card and PAN card in which his date of birth is mentioned as 21.12.1985.

3. According to the counsel for the applicants herein, the entry made in the service record of the father of the non-applicant herein should be taken as sacrosanct and if that is taken into consideration, he becomes disentitled for getting dependent/employment being age barred. This apart, he also tried to canvass various dos and don'ts on the part of the non-applicant at the time of filing the Writ Petition including the one that he did not append to the Writ Petition the voter list which shows him to be 28 years of age in the year 2003. To bolster his stand he placed reliance upon the judgment of Hon'ble Supreme Court in case of **M/S Prestige Lights Ltd. Vs. State Bank of India** reported in **2007 AIR SCW 5350**, **Dilip Singh Vs. State of UP** reported in **2010 AIR SCW 50**, and **Rajendra Singh Vs. Lt. Governor, Andaman & Nicobar Island and Ors.** reported in **AIR 2006 – SC 75**.

4. Counsel for the non-applicant resists the review petition vehemently. She submits that while applying for the dependent employment, apart from the 5th Class mark-sheet, public documents such as Adhaar Card and PAN Card were also appended to the writ petition and after considering the same the order sought to be reviewed was passed. As regards the submission of counsel for the applicants with respect to not annexing the voter list, she submits that as this issue was not agitated at the time of argument in the Writ Petition, it is not permissible for them to do so by

seeking review. Referring to Rule 90 of High Court of Chhattisgarh Rules 2007 read with Order XLVII Rule 1 CPC learned counsel for the non-applicant submits that review can be allowed only when there is discovery of new and important matter or evidence which could not come to their knowledge before passing of the order sought to be reviewed, in spite of due diligence, or on account of some mistake or error apparent on the face of record. She submits that by filing such vexatious and frivolous application, the applicants are wasting the time of this Court and therefore, the same is liable to be dismissed.

5. Heard counsel for the parties attentively and perused the order sought to be reviewed as also the documents appended to the review petition, closely. Having done that, this Court finds that almost all the averments taken in the review petition have already been dealt with while deciding the Writ Petition. So far as the submission of the counsel for the applicants that the non-applicant had not brought on record the Voter List mentioning his age 28 years in the year 2003 is concerned, since it was not pleaded either in the return to the Writ Petition nor disclosed at the time of argument, it being a new fact cannot be looked into while deciding this review petition for the reason that the scope of review jurisdiction is very limited. Perusal of Order XLVII Rule 1 of CPC read with Rule 90 of the High Court of Chhattisgarh Rules, 2007 clearly demonstrates that a review lies only upon discovery of new and important matter or evidence which, despite exercise of due diligence could not come within the knowledge of the applicants or could not be produced at the time the order was passed. The perusal thereof further reveals that the review can be entertained where there is a mistake or an error apparent on the face of the record or for any other sufficient reason analogous thereto.

6. While dealing with the review jurisdiction of the Court the Supreme Court in the matter of **Lily Thomas v. Union of India** reported in **(2000) 6 SCC 224** has held that the power of review is not an appellate power and cannot be exercised merely because another view is possible. Relevant portion thereof reads as under:-

“56. It follows, therefore, that the power of review can be exercised for correction of a mistake and not to substitute a view. Such powers can be exercised within the limits of the statute dealing with the exercise of power. The review cannot be treated an appeal in disguise. The mere possibility of two views on the subject is not a ground for review. Once a review petition is dismissed no further petition of review can be entertained. The rule of law of following the practice of the binding nature of the larger Benches and not taking different views by the Benches of coordinated jurisdiction of equal strength has to be followed and practised. However, this Court in exercise of its powers under [Article 136](#) or [Article 32](#) of the Constitution and upon satisfaction that the earlier judgments have resulted in deprivation of fundamental rights of a citizen or rights created under any other statute, can take a different view notwithstanding the earlier judgment.”

7. Similarly, in the matter of **Vikram Singh alias Vicky Walia and another vs. State of Punjab and another** reported in **(2017) 8 SCC 518** it has been held by the Supreme Court as under:-

“22. Summarising the principles when review will be maintainable and review will not be maintainable, the following was held in paras 20.1 and 20.2 (Kamlesh Verma case¹⁶, SCC pp. 333-34)

"20.1. When the review will be maintainable:

- (i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;
- (ii) Mistake or error apparent on the face of the record;
- (iii) Any other sufficient reason.

The words "any other sufficient reason" have been interpreted in *Chhajju Ram v. Neki*²³ and approved by this Court in *Moran Mar Basselios Catholicos v. Mar Poulouse Athanasius* ²⁴ to mean 'a reason sufficient on grounds at least analogous to those specified in the rule'. The same principles have been reiterated in *Union of India v. Sandur Manganese & Iron Ores Ltd.* ²⁵

20.2. When the review will not be maintainable:

- (i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.

- (ii) Minor mistakes of inconsequential import.
- (iii) Review proceedings cannot be equated with the original hearing of the case.
- (iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.
- (v) A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error.
- (vi) The mere possibility of two views on the subject cannot be a ground for review.
- (vii) The error apparent on the face of the record should not be an error which has to be fished out and searched.
- (viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.
- (ix) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negatived.

23. In view of the above, it is clear that scope, ambit and parameters of review jurisdiction are well defined. Normally in a criminal proceeding, review applications cannot be entertained except on the ground of error apparent on the face of the record. Further, the power given to this Court under Article 137 is wider and in an appropriate case can be exercised to mitigate a manifest injustice. By review application an applicant cannot be allowed to re-argue the appeal on the grounds which were urged at the time of the hearing of the criminal appeal. Even if the applicant succeeds in establishing that there may be another view possible on the conviction or sentence of the accused that is not a sufficient ground for review. This Court shall exercise its jurisdiction to review only when a glaring omission or patent mistake has crept in the earlier decision due to judicial fallibility. There has to be an error apparent on the face of the record leading to miscarriage of justice to exercise the review jurisdiction under Article 137 read with Order 40 Rule 1. There has to be a material error manifest on the face of the record with results in the miscarriage of justice.”

8. This legal position has been followed by this Court also many a time including in the matter of **Union of India Vs. Abhishek Jain and others** passed in **Review Petition No. 83/2025 order dated 25.04.2025** and in the matter of **S. Madhusudan v. Narayana Reddy and others** reported in **2022 LiveLaw (SC) 685** where it has been held that erroneous decision can be corrected by exercising review jurisdiction if there is a mistake or an error apparent on the face of record. However, an error which is detectable by process of reasoning cannot be described as an error apparent on the face of the record.

9. Thus examining the present case in the light of the aforesaid settled principles, this Court finds that all the documents on which reliance was placed by the non-applicant such as Class V mark-sheet, Aadhaar Card and PAN Card were already part of the record and were duly considered while deciding the writ petition. The applicants herein have not pointed out any patent error in the order dated 03.11.2025. No explanation whatsoever has been offered by the applicants as to why the voter list was not produced or relied upon during the hearing of the Writ Petition despite due diligence. A review cannot be founded upon material which was always available but the party failed to produce at the appropriate stage.

10. This Court thoroughly went through the decisions of the Supreme Court sought to be relied upon by the counsel for the applicants but what this Court derives therefrom is that they too pertain to the jurisdiction of review but only when a glaring omission or patent mistake has crept in the earlier decision due to judicial fallibility. However, since the point canvassed by the applicants here is an entirely new one pertaining to non production of the voter list by the non applicant and being so it cannot be deliberated upon in exercise of the review jurisdiction particularly when no explanation has been given by the applicants as to what prevented them to raise that issue at the time countering the submissions of the petitioner therein at the time of argument or even while filing the return. Since by raising an altogether new argument the order passed in the Writ Petition is sought to be reviewed, this Court is not inclined to entertain the same.

11. In view of aforesaid factual and legal position, this Court does not find any force in the arguments advanced by the counsel for the applicants persuading this Court to entertain the Review Petition, the same is liable to be dismissed.

12. Resultantly, the Review Petition stands dismissed. No order as to costs.

Sd/-

(Sachin Singh Rajput)
Judge

Jyotishi/Ashish