

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

**CMP(M) No. 1104 of 2026 in
Review Petition No. 70 of 2026
Decided on: 17.07.2026**

Dr. Y.S. Parmar University of Horticulture & Forestry, Nauni

.....Petitioner

Versus

Dev Raj Sharma

.....Respondent

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?¹

For the Petitioner: Mr Deepak Sharma, Advocate.

For the Respondent: Nemo

Jyotsna Rewal Dua, Judge

Petitioner seeks review of **Dev Raj Sharma Vs.**

Dr. Y.S. Parmar University² that was decided as under:-

“Notice. Mr. Ramesh Sharma, learned Counsel, appears and waives service of notice on behalf of the respondents.

- 2. With the consent of learned counsel for the parties, the matter is heard at this stage without calling reply from the respondent.*
- 3. This writ petition has been filed by the petitioner, who had retired from the service of the respondents–Dr. Y.S. Parmar University of Horticulture & forestry, Nauni,*

¹Whether reporters of print and electronic media may be allowed to see the order? Yes.

² CWP No. 18772 of 2025, decided on 12.12.2025

Solan, with the prayer that the respondents may be directed to pay the amount of Leave Encashment with interest for the delay on part of the respondents.

3. *Reliance has been placed on the judgment passed by a Division Bench of this Court in CWP No. 3050 of 2014, titled Nek Ram versus State of Himachal Pradesh and others, decided on 17.07.2014 and also on a subsequent order of this Court dated 25.08.2021, passed in CWP No. 4377 of 2021, titled Sh. Subhash Chand versus The Himachal Road Transport Corporation, Shimla and others alongwith connected matters, in which, the respondents were directed to pay the retiral benefits to the petitioners within a period of six months. In case, the required retiral benefits are not paid to the petitioners within the aforesaid period of six months, then in addition to the due statutory benefits, the petitioners shall also be paid interest at the rate of 9% per annum beyond the period of six months till the date of actual payment.*
4. *In another subsequent order of this Court passed in CWP No. 6034 of 2021, titled Ram Lal versus The Himachal Pradesh Tourism Development Corporation Ltd. and another and the connected matter, decided on 23.11.2021, the respondents were directed to make payment of gratuity to the petitioners within a period of six months from the date of passing the order. In the event of non-payment of due amount, the petitioners were held entitled to differential amount of interest between the amount of interest statutorily payable to the petitioners as per the Payment of Gratuity Act and the interest at the rate of 9% per annum for the period of delay beyond six months.*
5. *While disposing of Review Petition No.110 of 2021 on 25.11.2021, preferred against the order dated*

09.11.2021 passed in CWP No.6928 of 2021, in which, the aforesaid order dated 25.08.2021 passed in CWP No.4377 of 2021 was relied upon, this Court has clarified the aforesaid order in the terms that the respondent-Corporation shall be liable to pay entire retiral dues of the petitioner, including amount of Gratuity and Leave Encashment and interest amount of Commute Pension alongwith prescribed rate of interest, within a period of six months from the due date till the actual payment is made.

6. *In view of above, the writ petition is disposed of with a direction to the respondent to pay to the amount of all remaining retiral benefits with actual rate of interest as per applicable rules, till the time of actual payment, which shall be paid to him within a period of six months from today. The due amount of payment, if delayed beyond six months, shall be paid with interest at the rate of 9% per annum till the date of its actual payment. Pending miscellaneous application(s), if any, shall also stand disposed of.”*

Since the review petition is barred by 206 days, an application for condoning the delay in filing the same has also been moved.

2. Learned counsel for the review petitioner –Dr. Y.S. Parmar University of Horticulture and Forestry, Nauni, District Solan, asserts that some similar writ petitions involving the issue as was involved in *Dev Raj Sharma*² are pending adjudication before the Hon’ble Coordinate Bench with lead case CWP No. 7642 of 2026, wherein taking note

of financial viability of the university and budgetary support provided by the State Government, the matters are pending consideration, therefore, this review petition deserves to be allowed. The judgment already rendered in *Dev Raj Sharma*² be recalled for the aforesaid reason and the writ petition be tagged with CWP No.7642 of 2026.

3. Firstly, no reason whatsoever, can be discerned from the application for condonation of delay. The judgment in question was pronounced on 12.12.2025. The review petitioner applied for certified copy of the judgment on 23.06.2026. The copy was made available to the petitioner on 29.06.2026. There is absolutely no justification given in the application as to what prevented the petitioner from applying for certified copy of the judgment for a period of about six months. The delay, therefore, is not liable to be condoned. Secondly, even otherwise, stated ground for review of a judgment on the ground of pendency of similar matter for adjudication before the Hon'ble Coordinate Bench, does not fall within the settled legal parameters for exercising the power of review.

The principles for reviewing a decision were summed up in **Sanjay Kumar Agarwal Versus State Tax Officer (1) and another**³ as under:-

“16. The gist of the aforestated decisions is that:

16.1. A judgment is open to review inter alia if there is a mistake or an error apparent on the face of the record.

16.2. A judgment pronounced by the court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so.

16.3. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of record justifying the court to exercise its power of review.

16.4. In exercise of the jurisdiction under Order 47 Rule 1 CPC, it is not permissible for an erroneous decision to be "reheard and corrected".

16.5. A review petition has a limited purpose and cannot be allowed to be "an appeal in disguise".

16.6. Under the guise of review, the petitioner cannot be permitted to reargue and reargue the questions which have already been addressed and decided.

16.7. An error on the face of record must be such an error which, mere looking at the record should strike and it should not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.

16.8. Even the change in law or subsequent decision/judgment of a coordinate or larger Bench by itself cannot be regarded as a ground for review.”

Further, in **Malleeswari Versus K. Suguna and another**⁴, Hon’ble Apex Court held that review jurisdiction cannot be assumed unless it is conferred by

³ (2024) 2 SCC 362

⁴ 2025 SCC OnLine SC 1927

law on the authority or the Court. Power of review is different from the appellate power. Following limitations were laid down for maintaining the finality of judicial decisions:-

- “15.1 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 CPC⁵.*
- 15.2 Review is not to be confused with appellate powers, which may enable an appellate court to correct all manner of errors committed by the subordinate court⁶.*
- 15.3 In exercise of the jurisdiction under Order 47 Rule 1 of CPC, it is not permissible for an erroneous decision to be reheard and corrected. A review petition, it must be remembered, has a limited purpose and cannot be allowed to be an appeal in disguise⁷.*
- 15.4 The power of review can be exercised for the correction of a mistake, but not to substitute a view. Such powers can be exercised within the limits specified in the statute governing the exercise of power⁸.*
- 15.5 The review court does not sit in appeal over its own order. A rehearing of the matter is impermissible. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered⁹. Hence, it is invoked only to prevent a miscarriage of justice or to correct grave and palpable errors¹⁰.”*

It was further held that though through a review application, an apparent error of fact or law is intimated to the Court, but no extra reasoning is undertaken to explain the said error. The intimation of error at the first blush enables the Court to correct apparent errors instead of

⁵ Meera Bhanja v. Nirmala Kumari Choudhury, (1995) 1 SCC 170

⁶ Aribam Tuleswar Sharma v. Aribam Pishak Sharma, (1979) 4 SCC 389

⁷ Parsion Devi v. Sumitri Devi, (1997) 8 SCC 715

⁸ Lily Thomas v. Union of India, (2000) 6 SCC 224

⁹ Inderchand Jain v. Motilal, (2009) 14 SCC 663

¹⁰ Shivdev Singh v. State of Punjab, AIR (1963) SC 1909

higher court correcting such errors. At both the stages, detailed reasoning is not warranted. Distinction between power of review and appellate power as also the power & scope of review jurisdiction was summed up as under:-

- “17.1 *The ground of discovery of new and important matter or evidence is a ground available if it is demonstrated that, despite the exercise of due diligence, this evidence was not within their knowledge or could not be produced by the party at the time, the original decree or order was passed.*
- 17.2 *Mistake or error apparent on the face of the record may be invoked if there is something more than a mere error, and it must be the one which is manifest on the face of the record¹¹. Such an error is a patent error and not a mere wrong decision¹². An error which has to be established by a long-drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record¹³.*
- 17.3 *Lastly, the phrase ‘for any other sufficient reason’ means a reason that is sufficient on grounds at least analogous to those specified in the other two categories¹⁴.”*

While dismissing CMP(M) No.916 of 2023 and Review Petition No.97 of 2023 on 23.08.2023, Hon’ble Division Bench of this Court held that ‘*new grounds not argued by the HPSEB at the time of hearing of the CWP*

¹¹ Hari Vishnu Kamath v. Syed Ahmad Ishaque, (1955) 1 SCR 1104

¹² T.C. Basappa v. T. Nagappa, AIR (1954) SC 440

¹³ Satyanarayan Laxminarayan Hegde v. Mallikarjun Bhavanappa Tirumale, AIR (1960) SC 137

¹⁴ Chhajju Ram v. Neki, 1922 SCC OnLine PC 11 and approved in Moran Mar Basselios Catholicos v. Mar Poullose Athanasius, AIR (1954) SC 526

No.2398/2016 cannot be raised by the HPSEB in the Review Petition. (See: Janak Raj Jai v. H.D. Deve Gowda¹⁵).’

During hearing of this review petition, learned counsel for the review petitioner did not even dispute the fact that decision on the basis of which *Dev Raj Sharma*² was decided, had attained finality. Merely on the ground of pendency of the similar matters before the Hon’ble Coordinate Bench, previous decision rendered, cannot be reviewed. No case for review is made out. Further, no cogent reasons have been accorded by the petitioner for condoning the delay of 206 days in instituting the review petition.

4. For the foregoing reasons, no case for review of the judgment in question or for condoning the delay in filing the review petition is made out. Accordingly, the application for condonation of delay is dismissed. Consequently, the main review petition is also dismissed.

Pending miscellaneous application(s), if any, also stand disposed of.

July 17, 2026
R.Atal

Jyotsna Rewal Dua
Judge

¹⁵ (1997) 10 SCC 462