



2026:CGHC:12504

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

REVP No. 55 of 2026

1 - The Municipal Corporation Risali District Durg, Chhattisgarh,
Through The Commissioner, The Municipal Corporation Risali,
Bhilai, Distt. Durg Chhattisgarh (Respondent No. 3)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Department
Of Urban Administration And Development, Mahanadi Bhawan,
Post Office Mantralaya, Ps Rakhi, Naya Raipur, Distt. Raipur
Chhattisgarh (Respondent No. 1)

2 - The Municipal Corporation Bhilai Distt. Durg, Chhattisgarh,
Through The Commissioner, The Municipal Corporation Bhilai,
Distt. Durg Chhattisgarh (Respondent No. 2)

3 - The Additional Commissioner Municipal Corporation Bhilai
Distt. Durg Chhattisgarh (Respondent No. 4)

4 - Shatrughan Lal Nayak S/o Chowa Ram Nayak Aged About
61 Years R/o Village Pander, Post Office And Tahsil Patan,
Distt. Durg Chhattisgarh (Petitioner)

... Respondent(s)

(Cause title is taken from Case Information System)

For Petitioner	: Mr. N. Naha Roy, Advocate
For State	: Mr. D. R. Minj, Dy. Advocate General
For Resp. No. 2 & 3	: Mr. Rajesh Kesharwani, Advocate
For Resp. No. 4	: Mr. Vipin Tiwari, Advocate



SB: Hon'ble Mr. Justice Amitendra Kishore Prasad
Order on Board

16.03.2026

1. The respondent No.4/writ petitioner filed a writ petition bearing W.P.(S) No. 3057/2023 challenging the order dated 23.01.2023 passed by respondent No.3 whereby he was retired from service with effect from 31.01.2023 on attaining the age of superannuation. Being aggrieved by the order dated 30.10.2025 passed by this Court in W.P.(S) No. 3057/2023 and in view of the liberty granted by the Division Bench in W.A. No. 31/2026 vide order dated 20.01.2026, the applicant has been constrained to file the present review petition seeking reconsideration of the aforesaid order on the grounds available in law.
2. The brief facts of the case are that the respondent No.4 was originally serving under respondent No.2 and, upon the formation of the applicant corporation vide notification dated 26.12.2019, his services were merely attached with the applicant corporation. Subsequently, vide letter dated 08.06.2022, he was informed that he would retire on 31.01.2023 upon attaining the age of 62 years. Thereafter, the respondent No.4 submitted a representation dated 03.10.2022 seeking correction of his date of birth from 18.01.1961 to 18.08.1961. The said representation was forwarded by the applicant vide letter dated 17.11.2022 to respondent No.2 along with the service records of the writ petitioner for verification and necessary correction. However, respondent



No.3 proceeded to pass the order dated 23.01.2023 retiring the writ petitioner from service with effect from 31.01.2023, which order was challenged before this Court in the aforesaid writ petition. The writ petitioner, in the said petition, contended that his correct date of birth was 18.08.1961 as reflected in various authentic documents including his educational certificates, mark sheets and the seniority list of Pump Operators published by respondent No.2 as on 01.04.2018. It was further contended that the entry of his date of birth as 18.01.1961 in the service records was merely a typographical error committed by the office of respondent No.2 and that respondent No.3 had also acknowledged such error and recommended correction of the same. However, despite the representation made by the writ petitioner prior to his retirement, the respondents failed to rectify the error and proceeded to pass the impugned order of retirement, thereby compelling him to approach this Court.

3. Learned counsel appearing for the applicant submitted that the order dated 30.10.2025 passed by the learned Single Bench suffers from serious legal infirmities inasmuch as the writ petition was decided without properly considering the stand of the present applicant. It was contended that the writ petitioner was never absorbed in the service of the applicant corporation and had remained an employee of respondent No.2 throughout his service tenure, his services having been merely attached with the applicant corporation after its formation. It was further submitted that the order of retirement



as well as the disbursement of retiral dues were undertaken by respondent No.3 alone and not by the applicant corporation. However, the learned Single Bench, while allowing the writ petition, treated the writ petitioner as an employee of the applicant corporation and fastened upon it the liability to grant consequential benefits including reinstatement, arrears of salary and other dues with interest @ 6% per annum. It was further argued that a vide order dated 20.01.2023 passed by respondent No. 3 rejecting the representation of the writ petitioner for correction of his date of birth could not be brought on record before the learned Single Bench, as the writ petition was decided without calling for the clarification or stand of respondent No.2. Aggrieved by the said judgment, the applicant preferred Writ Appeal No. 31/2026 before the Division Bench. The Division Bench, after hearing the matter, granted liberty to the applicant to raise the issue before this Court under its review jurisdiction, particularly with regard to the fact that the writ petitioner had never been absorbed in the applicant corporation and that the liability of payment of salary and other benefits had wrongly been fastened upon it. In view of the said liberty and the relevant documents now placed on record, it has been contended that the order passed in the writ petition requires reconsideration in the interest of justice. It was also submitted that since the writ petitioner did not work with the applicant corporation after 31.01.2023, the principle of “no work no pay” would also apply and the applicant cannot be saddled with the liability of



payment of retiral benefits with interest. Accordingly, it was prayed that the order dated 30.10.2025 be reviewed and the applicant be absolved from the liability of payment of retiral benefits to the writ petitioner.

4. Learned State counsel as also learned counsel appearing for the respective respondents opposed the submissions advanced on behalf of the applicant and supported the order dated 30.10.2025 passed by this Court. It was contended that the learned Single Bench, after due consideration of the material available on record, rightly held that the retirement of the writ petitioner was based on an incorrect entry of date of birth and accordingly granted relief. It was further submitted that the grounds urged by the applicant do not disclose any error apparent on the face of the record warranting exercise of review jurisdiction. Therefore, it was prayed that the present review petition, being devoid of merit, deserves to be dismissed.
5. Heard learned counsel for the parties and perused the order under review.
6. The scope of review jurisdiction is well settled. A review can be entertained only when there is an error apparent on the face of the record, discovery of new and important matter which could not be produced earlier despite due diligence, or for any other sufficient reason akin to the aforesaid grounds. The review jurisdiction cannot be exercised as an appellate jurisdiction nor can the Court re-appreciate the entire matter on merits merely because another view is possible.



7. In the present case, the writ petition was filed by respondent No.4 challenging the order dated 23.01.2023 whereby he was retired from service with effect from 31.01.2023 on the basis of his recorded date of birth as 18.01.1961. The writ petitioner had specifically contended before this Court that his correct date of birth was 18.08.1961 and had placed reliance upon several documents including his educational certificates, mark sheets and the seniority list of Pump Operators published by respondent No.2 as on 01.04.2018 reflecting the said date of birth. Upon consideration of the documents placed on record and the rival submissions advanced by the parties, this Court, vide order dated 30.10.2025, came to the conclusion that the entry of the date of birth as 18.01.1961 in the service records was a typographical error and consequently held the order of retirement to be unsustainable in law.
8. The principal contention raised by the applicant in the present review petition is that the writ petitioner was never absorbed in the service of the applicant corporation and had remained an employee of respondent No.2 throughout his service tenure, his services having been merely attached with the applicant corporation. It is further contended that the liability of payment of salary and other consequential benefits has been wrongly fastened upon the applicant corporation. It is also urged that an order dated 20.01.2023 passed by respondent No.3 rejecting the representation of the writ petitioner for correction of his date of birth could not be brought on record before the learned Single Bench and therefore the order passed in the



writ petition requires reconsideration.

9. Having considered the aforesaid submissions, this Court is of the opinion that the grounds urged by the applicant do not disclose any error apparent on the face of the record warranting exercise of review jurisdiction. The order dated 30.10.2025 was passed after considering the pleadings and the material placed on record by the parties. The question relating to the correctness of the date of birth of the writ petitioner and the legality of the order of retirement was the core issue before this Court in the writ petition and the same was adjudicated upon after due consideration of the documents relied upon by the writ petitioner.
10. So far as the contention of the applicant regarding the status of the writ petitioner as an employee of respondent No.2 and not of the applicant corporation is concerned, the same essentially relates to the merits of the matter and the extent of liability of the concerned authorities. Such issues cannot be re-agitated in the guise of a review petition, particularly when the applicant had sufficient opportunity to raise all available pleas during the course of hearing of the writ petition. The review jurisdiction cannot be invoked for the purpose of rehearing the matter or for substituting a different view merely because the applicant seeks to advance additional arguments at a subsequent stage. Likewise, the submission that the order dated 20.01.2023 rejecting the representation of the writ petitioner could not be placed before the Court earlier also does not persuade this Court to exercise its review jurisdiction.



The applicant has not been able to demonstrate that the said document could not have been produced earlier despite exercise of due diligence. In absence of such explanation, the same cannot constitute a valid ground for review. This Court also finds that the liberty granted by the Division Bench while disposing of W.A. No. 31/2026 merely enabled the applicant to approach this Court under the review jurisdiction. However, such liberty by itself does not enlarge the scope of review nor does it dilute the settled parameters governing the exercise of review powers. The applicant is still required to establish an error apparent on the face of the record or any other legally permissible ground for review,

11. Hon'ble Supreme Court in case of **Smt. Meera Bhanja vs Smt. Nirmala Kumari Choudhury** reported in **AIR 1995 SC 455** and **Surendra Kumar Vakil & ors vs. Chief Executive Officer, MP & ors** reported in **(2004) 10 SCC 126** has considered the issue with regard to grounds on which review petition can be considered and it was observed that a point that has been heard and decided cannot form a ground for review even if assuming that the view taken in the judgment under review is erroneous.
12. In case of **Shanti Conductors Pvt. Ltd. vs. Assam State Electricity Board and others**, reported in **(2020) 2 SCC 677**, it was held thus:-

"25. The scope of review has been reiterated by this Court from time to time. It is sufficient to refer the judgment of this Court in Parsion Devi and Others Vs. Sumitri Devi and Others, (1997) 8 SCC



715, wherein in paragraph 9 following has been laid down:

“9. Under Order 47 Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. 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 the record justifying the court to exercise its power of review under Order 47 Rule 1 CPC. In exercise of the jurisdiction under Order 47 Rule 1 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 disguise”.”

13. The Hon’ble Supreme Court in the matter of **S. Murali Sundarm vs. Jotibai Kannan and Others**, reported in **(2023) 13 SCC 515** has held that a review is not an appeal, it can only correct errors apparent on the face of the record, not re-evaluate evidence or re-argue the case. The High Court had wrongly acted beyond its jurisdiction by reviewing and overturning its own final judgment without such an error. The original judgment was restored. Relevant portion of the said judgment is quoted below for ready reference :

“16. While considering the aforesaid issue two decisions of this Court on Order 47 Rule 1 read with Section 114CPC are required to be referred to? In Perry Kansagra [Perry Kansagra



v. Smriti Madan Kansagra, (2019) 20 SCC 753] this Court has observed that while exercising the review jurisdiction in an application under Order 47 Rule 1 read with Section 114CPC, the Review Court does not sit in appeal over its own order. It is observed that a rehearing of the matter is impermissible in law. It is further observed that review is not appeal in disguise. It is observed that power of review can be exercised for correction of a mistake but not to substitute a view. Such powers can be exercised within the limits of the statute dealing with the exercise of power. It is further observed that it is wholly unjustified and exhibits a tendency to rewrite a judgment by which the controversy has been finally decided.

17. After considering a catena of decisions on exercise of review powers and principles relating to exercise of review jurisdiction under Order 47 Rule 1CPC this Court had summed up as under : (Perry Kansagra case [Perry Kansagra v. Smriti Madan Kansagra, (2019) 20 SCC 753] , SCC pp. 768-69, para 15.1)

“15.1. ‘33. ... “... (i) Review proceedings are not by way of appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1CPC.

(ii) Power of review may be exercised when some mistake or error apparent on the fact of record is



found. But error on the face of record must be such an error which must strike one on mere looking at the record and would not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.

(iii) Power of review may not be exercised on the ground that the decision was erroneous on merits.

(iv) Power of review can also be exercised for any sufficient reason which is wide enough to include a misconception of fact or law by a court or even an advocate.

(v) An application for review may be necessitated by way of invoking the doctrine actus curiae neminem gravabit.” ’ (As observed in : Inderchand Jain v. Motilal, (2009) 14 SCC 663, p. 675, para 33)”

It is further observed in the said decision that an error which is required to be detected by a process of reasoning can hardly be said to be an error on the face of the record.

18. In Shanti Conductors (P) Ltd. [Shanti Conductors (P) Ltd. v. Assam SEB, (2020) 2 SCC 677 : (2020) 2 SCC (Civ) 788] , it is observed and held that scope of review under Order 47 Rule 1CPC read with Section 114CPC is limited and under the guise of



review, the petitioner cannot be permitted to reagitate and reargue questions which have already been addressed and decided. It is further observed that 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 under Order 47 Rule 1CPC.”

14. In view of the foregoing discussion and in the light of decisions of Hon'ble Supreme Court, this Court is of the considered opinion that the present review petition does not disclose any ground warranting interference with the order dated 30.10.2025 passed in W.P.(S) No. 3057/2023. The submissions advanced by the applicant essentially seek a re-appreciation of the issues already considered and decided by this Court, which is impermissible in exercise of review jurisdiction.
15. Accordingly, the review petition being devoid of merit is liable to be and is hereby **dismissed**.
- No order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge

Shayna