



2026:CGHC:23687



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

REVP No. 141 of 2026

1 - Musafir Singh S/o Birju Singh, Aged About 54 Years Occupation Head Constable, R/o Ward No. 48, New Police Line, Durg, District Durg Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Home Affairs, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur District - Raipur, Chhattisgarh

2 - Director General Of Police Police Headquarter, Atal Nagar Naya Raipur District-Raipur, Chhattisgarh

3 - Inspector General Of Police Police Durg, District - Durg, Chhattisgarh

4 - Superintendent Of Police Durg District- Durg, Chhattisgarh

... Respondent(s)

For Petitioner(s)	:	Shri Anurag Singh, Advocate.
For State	:	Shri Anand Dadariya, Dy AG.

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

15/06/2026

- By way of this Review Petition, the petitioner is seeking review of the order dated 01.12.2025 passed in WPS No.2688 of 2023, whereby order dated 03.03.2020 was quashed by this Court.



2. By the order dated 03.03.2020, punishment of reduction to the minimum pay scale for one year on the petitioner was quashed and the matter was remitted to Respondent No.3 to impose a major penalty.
3. Petitioner through this Review Petition has prayed that order dated 01.12.2025 may be reviewed and that the matter may be remanded to Respondent No.2 to decide the mercy appeal of the petitioner afresh within stipulated period of 1 month.
4. Learned counsel for the petitioner submits that while setting aside the order dated 03.03.2020, it was not considered that the said order was passed in a mercy/second appeal preferred by the applicant, and once such order has been quashed, the consequence would be revival of the proceedings at the stage of mercy appeal. The non-direction for reconsideration has resulted in great hardship to the applicant, warranting review. The impugned order has the effect of restoring the punishment order dated 26.06.2018, as affirmed on 19.09.2018, without adjudicating the applicant's mercy appeal on merits. This has resulted in an incomplete adjudication, thereby causing miscarriage of justice. He submits that it is settled law that review jurisdiction can be exercised not only for correction of an error apparent but also to



prevent miscarriage of justice. The present case falls squarely within such parameters, as denial of reconsideration defeats the applicant's right to seek redressal. The applicant is not seeking rehearing of the entire matter on merits but only a limited modification to the extent of directing Respondent No. 2 to decide the mercy appeal afresh within a time-bound period.

5. Counsel for the other side would support the order under review.
6. Heard leaned counsel for the parties and also perused the order under review.
7. The principal contention of the review petitioner is that while setting aside the order dated 03.03.2020, this Court ought to have directed revival and reconsideration of the mercy appeal by the competent authority. According to the petitioner, omission to issue such a direction has resulted in hardship and incomplete adjudication of his claim.
8. This Court is unable to accept the aforesaid submission. The grievance raised by the petitioner does not disclose any error apparent on the face of the record in the order dated 01.12.2025. The petitioner is, in substance, seeking modification of the final judgment by advancing an argument which either was available at the time of hearing of the writ petition or requires a fresh



examination on merits. Such an exercise falls outside the limited scope of review jurisdiction. It is well settled that review proceedings cannot be converted into an appeal in disguise and are confined only to correction of an error apparent on the face of the record, discovery of new and important matter which could not be produced despite due diligence, or other analogous grounds. Re-appreciation of the issues already decided is impermissible in review jurisdiction.

9. Moreover, it is well settled that scope of review jurisdiction is extremely limited and only an error apparent on face of record can be corrected in the said jurisdiction and re-appraisal/re-appreciation cannot be done in exercise of said jurisdiction as that would amount to exercise of appellate jurisdiction which is impermissible in law as has been held in catena of judgments by the Hon'ble Apex Court, such as *Devaraju Pillai v. Sellayya Pillai*, reported in *(1987) 1 SCC 61*, *Meera Bhanja (Smt) v. Nirmala Kumari Choudhury (Smt)*, reported in *(1995) 1 SCC 170*, *Avijit Tea Co. Pvt. Ltd. v. Terai Tea Co. and others*, reported in *(1996) 10 SCC 174*, *Lily Thomas etc. v. Union of India and others*, reported in *AIR 2000 SC 1650*, *Akhilesh Yavad v. Vishwanath Chaturvedi and others*, reported in *(2013) 2 SCC 1* and *Sasi (D)*



through LRS. v. Aravindakshan Nair and others, reported in
(2017) 4 SCC 692).

10. For the foregoing, the grounds raised by the review petitioner in this review petition cannot be permitted to be raised in review petition. Even otherwise, there is no error apparent on the face of record in the order under review warranting invocation of review jurisdiction.

11. Consequently, finding no merit in the review petition, the same is hereby dismissed. No order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge

Avinash