

**STATE PUBLIC SERVICES TRIBUNAL, INDIRA BHAWAN
LUCKNOW**

COURT NO. 6

REVIEW PETITION NO. 14/2026

CLAIM PETITION NO. 686/2022

MANOJ KUMAR, aged about 45 years, Son of Shri Krishna Singh,
Resident of Mora, P.S. Badgaon District Saharanpur.

Petitioner

Versus

- 1- State of U.P. through Principal Secretary, Home Government of U.P. Civil Secretariat, Lucknow.
- 2- Inspector General of Police Meerut Range Meerut.
- 3- Senior Superintendent of Police Meerut.

Opposite parties

Shri P.P. Shrivastava, counsel for petitioner
Presenting Officer on behalf of the O.Ps

JUDGMENT ON REVIEW

This is a review petition filed by the claim petitioner along with condonation of delay application challenging the judgment and order dated 30-03-2026 passed by the U.P. State Public Services Tribunal in Claim petition no. 686/2022 whereby the Tribunal dismissed the claim petition of the petitioner. The operative portion of the judgment/order dated 30-03-2026 is reproduced below:-

“ The claim petition is dismissed.

No order is made as to costs.”

2. Learned counsel for petitioner argued that without giving any findings on the misconduct, the Tribunal held the negligence of the petitioner proved and dismissed the claim petition. He has drawn our attention to para 26 of the claim petition in which the petitioner has specifically mentioned that

inquiry officer has recommended the punishment of warning but the disciplinary authority without assigning any reason imposed the punishment of censure upon the petitioner which is against the principle of natural justice. Further the Tribunal holds that while passing the punishment order, the disciplinary authority have not committed any legal or procedural infirmity. Thus there is apparent error on the face of record hence the judgment /order dated 30-03-2026 is liable to be reviewed as it is covered within the meaning of ‘ **any other sufficient reason**’ which is one of the recognized grounds in law as provided under order 47 rule-1 of Civil Procedure Code 1908. Learned counsel for the petitioner further argued that the averments made in para 21 of the claim petition has not been controverted by the O.Ps but this fact has not been taken into consideration by the Tribunal while deciding the issue in question.

3- The learned Presenting Officer on behalf of the respondent vehemently argued that the enquiry was conducted according to rules and the Hon’ble Tribunal has considered all facts, figures and grounds mentioned in the claim petition and discussed each and every points/ issues while deciding the claim petition and there has been no omission at all in the judgment in question. There is no apparent error of law in the judgment in question and the findings and observation of Tribunal are based on pleadings of the parties. The law is well settled that review is permissible on following grounds only;

- i) From the discovery of new and important matter or evidence which after exercise of due diligence was not within his knowledge or could not be produced at the time when decree was passed or order made;
- ii) On account of error apparent on the face of record.

The perusal of the review petition itself makes it clear that this petition has not been filed on any of the concrete ground as mentioned above as such the review petition is not maintainable and is worth to be dismissed. Citing the case law S. Bhagirathi

Ammal Vs Palani Roman Catholic Mission (2009) 10 SCC 464, Meera Bhanja (Smt) Vs Nirmala Kumari Chaudhary (Smt) (1995) 1 SCC 170, Parison Devi and others Vs Sumitri Devi and others (1997) 8 SCC-715 Civil Appeal no. 10779-10780 f 2013 (N. Anantha Vs Anshu Kathuria & others) it has been prayed that review petition should be dismissed.

4- As it is a review petition hence in the beginning of discussion I would like to discuss legal and factual grounds of review. Section 5(5) of the Act 1976 provides that certain provisions of C.P.C. shall be followed for the purposes of holding any inquiry and Section 5 (5) (g) provides that in the matter of reviewing decision the provision of C.P.C shall be followed.

5- Order 47 of the code of Civil Procedure Code provides power of review, which is reproduced as under.

An application for review of a Judgment may be made on any of the following grounds.

- 1- Discovery of new and important matter or evidence or
- 2- Mistake or error apparent on the face of the record, or
- 3- Any other sufficient reason.

Review is permissible on the ground of discovery by the review/ petitioner of some new and important matter or evidence, which, after exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the judgment was delivered. The underlying object of order 47 of CPC is neither to enable the court to write a second judgment nor to give second innings to the party who has lost the case because of his negligence or indifference.

6- Likewise a Judgment can be reviewed on the ground of an error apparent on the face of record. What is “an error apparent on the face of the record” cannot be defined precisely or

exhaustively and it should be determined judicially on the facts of each case.

In Parsion Devi and others Vs Sumitri Devi and others (1997)8 S.C.C. 715. The Hon'ble Apex Court while dealing with the scope and jurisdiction of Review held as under-

“Mistake or “error apparent on the face of record” is one which is self-Evident and does not requires a process of reasoning. It is distinct from “erroneous decision”. So rehearing the matter for detecting an error in the earlier decision and then correcting the same do not fall within the ambit of review jurisdiction. Review Jurisdiction cannot be used as appellate jurisdiction.”

In Meera BhanJa (Smt.) Vs Nirmala Kumari Chowdhary (Smt.) the scope of (1995)1 S.C.C. 170 the Hon'ble Apex court while discussing the scope of Review Held as

“ Review must be confirmed to error apparent on the face of the record-Error must be such as would be apparent on mere looking of the record without requiring any long drawn process of reasoning. Reappraisal of the entire evidence on record for finding the error would amount to exercise of appellate jurisdiction which is not permissible.”

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 C.P.C.

“The review petition has to be entertained only on the ground of error apparent on the face of record and not on any other ground.”

7- In Civil Appeal No.10779-10780 of 2013 (N. Anantha Vs. Anshu Kathuria & Others the Hon'ble apex court has observed that review jurisdiction is extremely limited and unless there is mistake apparent on the face of record the order/judgment does not call for review. The mistake apparent on the face of record means that the mistake is self evident, needs no search and stares at is face. Surely the review jurisdiction is not an appeal in disguise. The review does not permit rehearing of the matter on merit.

In case of S. Bhagirathi Ammal Vs. palani Roman Catholic Mission (2009) 10 SCC 464 the Hon'ble Apex Court has held that

for entertaining the review petition the error must be such which is apparent on the face of record and not an error which has to be fished out and searched. In other words it must be an error of inadvertence.

8- I have gone through the judgment and found that Tribunal has considered all aspects, figures and grounds mentioned in the petition and has discussed each and every point in issue while decided the claim petition and there has been no omission or error apparent on the face of record at all in the judgment in question. Thus, I do not see any error apparent in the aforesaid judgment/order. The review petition has been filed without any cogent reason which is totally devoid of merit.

On the basis of above whole discussion, I am of the considered view that this review petition is totally devoid of merit and it is also not maintainable legally hence liable to be dismissed.

ORDER

The review petition is dismissed.

No order is made as to costs.

Sd/-

(Dr. Anil Kumar Singh)

Member (Admn)

Judgment signed, dated and pronounced today in the open Court.

Sd/-

(Dr. Anil Kumar Singh)

Member (Admn)

Dated: 18th August 2026

M. Husain/Ps