

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Civil Review No.70 of 2021

1. Manoj Kumar
2. Ram Pravesh Rajak
3. Narendra Kumar
4. Amrendra Kumar Sinha
5. Aswini Kumar
6. Ram Pratap Mahto
7. Dineshwar Thakur
8. Shishir Kumar
9. Nandu Baitha
10. Kumar Masum
11. Bijendra Ram
12. Sudhansu Kumar
13. DasrathKapardar
14. Rabindra Nath Singh
15. Ashok Kumar Priayadarshi
16. Rajendra Kumar Mandal
17. Binay Kumar Choudhary
18. Amresh Kumar Srivastava
19. Jay Prakash Ram
20. Raja Ram Roy
21. Bijay Kumar Roy
22. Budhram Samanta
23. Dhananjay Kumar
24. Awadh Kishore Prasad
25. Devendra Kumar
26. Raj Kishore Ram
27. MarkandeyJonko

----- Petitioners

Versus

M/s Steel Authority of India Ltd., New Delhi having one of its Steel Plants known as Bokaro Steel City through Sri Arvind Upadhyay, Assistant General Manager (Law), Bokaro Steel Plant, Bokaro.

----- Opposite Party

with

Civil Review No.73 of 2021

1. Anup Kumar Choubey
2. Devendra Prasad Singh
3. Vinay Kumar Singh
4. Ashok Kumar
5. Sadanand Mahato
6. Uma Shankar Sahay
7. Rabindra Nath Mukherjee

8. Surendra Singh Yadav
9. Satish Mohan Jha
28. Prabhat Kumar ----- Petitioners

Versus

1. M/s Steel Authority of India Ltd., New Delhi having one of its Steel Plants known as Bokaro Steel City through Sri Arvind Upadhyay, Assistant General Manager (Law), Bokaro Steel Plant, Bokaro.
2. Union of India through the Secretary, Ministry of Heavy Industries & Public Enterprises, New Delhi.
3. Union of India through the Secretary, Ministry of Steel, New Delhi.

----- Opposite Parties

with

Civil Review No.74 of 2021

1. Murari Prasad
2. Rajiv Ranjan Prasad
3. Jai Krishna Pattnaik
4. Sudhir Kumar Singh
5. Sanjay Kumar Singh
6. Akshya Kumar Singh
7. Vinod Kumar Ojha
8. Ayodhya Prasad Mahto
29. Vijay Kumar ----- Petitioners

Versus

M/s Steel Authority of India Ltd., New Delhi having one of its Steel Plants known as Bokaro Steel City through Sri Arvind Upadhyay, Assistant General Manager (Law), Bokaro Steel Plant, Bokaro.

----- Opposite Parties

with

Civil Review No.75 of 2021

1. Sidhnath Prasad Singh
2. Awadhesh Kumar Choudhary
3. Uday Chandra Kumbhkar
4. Deo Raj Pandey
5. Devavrata Kumar Saha
6. Binod Kumar
7. Chandra Shekhar Rai
8. Subir Kumar Sinha @ Subhir Kumar Jha
9. Shankar Mishra
10. Sharad Chandra Mahto
11. Vijay Kumar Gupta
12. Kamal Kishore Singh

13. Surendra Upadhyay
14. Bijendra Prasad
30. Lakshmi Kant Das ----- Petitioners

Versus

1. M/s Steel Authority of India Ltd., New Delhi having one of its Steel Plants known as Bokaro Steel City through Sri Arvind Upadhyay, Assistant General Manager (Law), Bokaro Steel Plant, Bokaro.
2. Union of India through the Secretary, Ministry of Heavy Industries & Public Enterprises, New Delhi.
3. Union of India through the Secretary, Ministry of Steel, New Delhi.

----- Opposite Parties

with

Civil Review No.12 of 2023

1. Sunil
2. Ashok Kumar
3. Ashok Kumar Bhagat
4. Bijendra Kumar
5. Birendra Prasad Singh
6. Jai Prakash Mishra
7. Kaushal Kishore Singh
8. Md. Aftab Karim
9. Shashi Bhushan Singh
10. Sukhdeo Ram
11. Sunil Kumar Sinha ----- Petitioners

Versus

M/s Steel Authority of India Ltd., New Delhi having one of its Steel Plants known as Bokaro Steel City through Sri Arvind Upadhyay, Assistant General Manager (Law), Bokaro Steel Plant, Bokaro.

----- Opposite Parties

**CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
HON'BLE MR. JUSTICE DEEPAK ROSHAN**

For the Petitioners	: Mr. Kumar Harsh, Advocate
For the Opp. Parties	: Mr. Radha Krishna Gupta, CGC
For the SAIL	: Mr. Vibhash Sinha, Advocate

17/15.04.2026 Heard Mr. Kumar Harsh, learned counsel for the petitioners, Mr. Radha Krishna Gupta, learned Central

Government Counsel and Mr. Bibhash Sinha, learned counsel appearing for the respondent SAIL.

2. In these applications, the petitioners have prayed for review of the order dated 02.02.2021 passed in W.P.(S) No.2663/2019, W.P.(S) No. 2125/2019, W.P.(S) No. 2689/2019 and W.P.(S) No.2702/2019.

3. It is the case of the review petitioners that they were working in different departments of Bokaro Steel Plant in non-executive cadre and they were promoted to the post of Junior Officer in the executive cadre as per the promotion policy of SAIL through a selection process. The applicants being successful in the selection process were appointed as Junior Officers in the executive cadre from the non-executivecadre in two batches i.e. 2008 and 2010. The promotion in the executive cadre was given on 27.03.2009 but notionally from 30.06.2008 and some of them were promoted on 28.12.2010 but notionally from 30.06.2010. In the case of non-executives, the periodicity of wage revision was 5 years. After the expiry of the wage revision tenure from 01.01.2007 to 31.12.2011 with the implementation of revised pay scales w.e.f. 01.01.2012, the basic pay of the non-executives as on 01.01.2012 became more than that of the executives as 100% D.A was merged for the non-executives whereas in case of executives, the 2007 salary structure continued. It is the case of the review petitioners that before promotion to the post of Junior Officers, they received the wage revision benefits of 21% minimum guaranteed benefits as non-executives from 01.01.2007 but after promotion as Junior Officers, they have not been paid the 10 years pay revision benefits like 30% minimum guaranteed benefits for executives as prescribed in 10 years pay revision benefit scheme meant for the executive cadre from 01.01.2007 to 31.12.2016. The non-executive employees who were the batch mates of the juniors to the review petitioners, again received 17% minimum guaranteed benefits on and from 01.01.2012 under the 5 year wage revision tenure meant for the non-executive cadres as

a result of which the review petitioners, despite being in the higher post as executives, were getting lesser pay than their batch mates/juniors in the non-executive cadre. On representation having been received with respect to the anomaly, an order was issued on 29.12.2015 in which the difference between the present salary of non-executive employees and the affected executive employees was met by granting additional amount to the affected executive employees who had raised the issue of anomaly. It was also mentioned therein that the additional fixed amount shall be granted to the affected executives from a prospective date i.e. 01.01.2016 and the said amount shall not be counted for any other purpose for calculating any other benefits. Being aggrieved with the cut-off date being fixed as 01.01.2016 to extend the additional benefits to remove the anomaly and not from the date when such anomaly occurred, the review petitioners had preferred an application before the Learned Central Administrative Tribunal, Kolkata in O.A. No. 350/2017 along with other analogous applications, but the same were not entertained on the ground of jurisdiction and vide order dated 04.01.2018, the applicants/review petitioners were directed to approach the Central Administrative Tribunal, Patna Bench, Circuit Sitting at Ranchi. Consequent to the same, the petitioners had approached the Central Administrative Tribunal, Patna Bench, Circuit Sitting at Ranchi in O.A./051/00214/2018 and its analogous cases and the same were disposed of on 09.01.2019 by quashing Para-2(iv) of the order dated 29.12.2015 with a direction to the respondents to issue appropriate order to make the additional fixed amount payable to the affected employees from the respective dates on which the anomaly occurred. The Steel Authority of India Ltd. challenged the order dated 09.01.2019 in W.P.(S) No. 2663/2019 and its analogous cases and vide order dated 02.02.2021, the order dated 09.01.2019 passed by the learned Central Administrative Tribunal was set aside. The review petitioners had challenged the said order in Special Leave to Appeal Nos. 14762-

14765/2021 which however was withdrawn on 24.09.2021 giving a liberty to the review petitioners to prefer review applications and this is how the matter has come before us.

4. It has been submitted by Mr. Kumar Harsh, learned Counsel for the review petitioners that Para-2(iv) of the office order dated 29.12.2015 has not been appropriately considered in the order under review. It has been submitted that the order dated 29.12.2015 is neither a policy decision nor an exercise in pay fixation and even if it is assumed that the same was a policy decision, it cannot be beyond the purview of a judicial review considering the arbitrariness which is inherent in the office order dated 29.12.2015. Mr. Harsh has submitted that there is no rationale behind the cut-off date being fixed as 01.01.2016 despite the respondent SAIL acknowledging the fact that an anomaly had indeed arisen and rectification was also made to the said anomaly but not from a retrospective date and because of the prospective date of 01.01.2016, the anomaly in the pay prior to the said date continues to exist. It has been submitted that the office order dated 29.12.2015 does not record financial burden as a reason for fixing the cut-off date as 01.01.2016. The issue of financial burden is irrelevant, if the order does not satisfy the test of Article 14 of the Constitution of India. Mr. Kumar Harsh, in support of his various contentions, has placed reliance in the case of ***Kallakkurichi Taluk Retired Officials Assn., Tamil Nadu And Ors. v. State of T.N.*** reported in **(2013) 2 SCC 772**, ***Dr. P. N. Puri and others vs. State of UP and others*** reported in **(1996) 7 SCC 493** and ***DDA And Anr. v. Joint Action Committee, Allottee of SFS Flats And Ors.*** reported in **(2008) 2 SCC 672**.

5. Mr. Bibhash Sinha, learned counsel appearing for the respondent SAIL has submitted that the petitioners have failed to point out any error apparent on the face of the record in the order dated 02.02.2021 which would entail the Court to review the said order. It has been submitted that neither the review petitioners

nor the learned Central Administrative Tribunal in its order dated 09.01.2019 have been able to show that the action of the respondent SAIL in fixing a prospective cut-off date is arbitrary. The fixing of a cut-off date as enumerated in the office order dated 29.12.2015 is a policy decision of the management while rectifying and removing the anomaly which existed and it goes without saying that financial implication would be one of the rational in fixing a cut-off date prospectively and this issue has been considered in the order under review dated 02.02.2021. Mr. Sinha has, therefore, prayed for dismissal of these review applications.

6. We have heard the learned counsel for the respective sides and have also perused the affidavits on record.

7. The anomaly between the review petitioners and the non-executive employees who were the batch mates / juniors to them, was sought to be removed by the respondent SAIL by virtue of issuance of an office order dated 29.12.2015, but a discordant note was struck which is embedded in the said order itself and which consequently became the pivotal issue to be decided. For better appreciation of the case, we quote the office order dated 29.12.2015 which reads as under:-

"STEEL AUTHORITY OF INDIA LIMITED

No/PER/EC/1213

29THDecember 2015

Head of Personnel of All Plants/Units

Sub:- Anomaly in Pay of Junior Executives (JO) of 2010 Batch vis-à-vis Non executives (erstwhile batchmates)

Dear Sir,

Representations references have been received through various channels, on the issue of pay anomaly of Junior Officers (JO) of 2008 & 2010 batch vis-à-vis the non-executives (their erstwhile batchmates) for early rectification/settlement of anomalous situation.

The issue of pay anomaly for the aforesaid category of executives was examined keeping in view the need to settle the above anomalous situation of a peculiar nature wherein a Junior executive (JO of 2008 & 2010 batch) is presently drawing less salary (Basic + D.A.) compared to a non executive employee who is junior to him.

Accordingly, the following methodology has been devised for addressing the issue.

i) In the context of aforementioned cases fulfilling the following conditions may be considered as a Pay Anomaly.

a) The affected executive (JO of 2008 & 2010 batch) is senior to the non executive employee with respect to whom the anomalous situation has arisen and is being claimed by the affected executive. The affected executive should have been an erstwhile batch-mate/senior in the non executive cadre. Also compared to the non executive, the affected executive had been drawing higher or equal basic pay in the non executive cadre.

b) The affected executive (JO of 2008 & 2010 batch) and the non executive with whom the affected executive is comparing himself for the purpose of establishing anomaly should belong to the same plant/Unit.

c) The affected executive (JO of 2008 & 2010 batch) and the non executive being compared with had the same channel of promotion when both of them were in non executive cadre.

ii) In order to address the above mentioned peculiar anomaly i.e. a senior employee (executive) presently drawing less salary (Basic + DA) than his erstwhile batch-mate/junior in non executive cadre, it is essential that the present day salary (Basic + DA) of the affected senior employee (executive) be made equal to the present salary (Basic + DA) of non executive.

iii) Accordingly, the difference between the present Salary (Basic + DA) of non executive employee and the affected executive employee shall be granted as an additional amount to the affected executive employee who has raised the anomaly. The said amount once fixed shall not undergo any subsequent upward revision."

iv) The said additional fixed amount shall be granted to the affected executive from a prospective date i.e. 1.1.2016 and the said amount shall not be counted for any other purpose for calculating any other benefit."

8. Para-(iii) of the office order dated 29-12-2015 addresses the grievance of those affected executive employees who were getting a lesser pay than the non-executive employees who were their batch mates/juniors, but at the same time Para-(iv) projects a new dimension as the entitlement for the additional

amount to be at par with the non-executive batch mates/juniors was from a prospective date i.e. 01.01.2016 and not from the date when the anomaly occurred. The Learned Central Administrative Tribunal in its order dated 09-01-2019 has decided the issue in the following manner:-

6. *After going through the pleadings and hearing the arguments, it is clear that an anomaly did occur since the Basic + DA of employees in the executive cadre became less than those in the non-executive cadre. This fact is accepted in Annexure A/3. It is also clear that this dispute has mainly arisen because of making this order effective prospectively. No reason is given, either in the respondents' written statement or during the course of arguments, about why the correction of anomaly was implemented only from a prospective date. The learned counsel for the respondents did argue that the subsequent revisions in the pay and allowances of the executives have more than covered the loss that they might have suffered because of this anomaly. This cannot be considered as a correct explanation since these subsequent revisions were not limited to only the employees affected by the anomaly. In the absence of any logical explanation, for not correcting an accepted anomaly, from the date from which the anomaly occurred, we are constrained to quash para 2(iv) of the order dated 29.12.2015 (Annexure A/8) and direct the respondents to issue appropriate orders, to make the additional fixed amount as mentioned in the said order, payable to the affected employees from the respective dates on which the anomaly occurred. Needless to say, all the other conditions mentioned in Annexure-8, for qualifying for payment of additional fixed amount, will remain. The OA is disposed of accordingly. No order as to costs."*

9. What would transpire from the findings recorded in the order dated 09-01-2019 is that no reason has been given either in the respondent's written statement or during the course of argument as to why the pay anomaly was removed from a prospective date and not from the date when such pay anomaly had occurred. The order dated 09-01-2019 was, however, set

aside in W.P.(S) No. 2663/2019 and its analogous cases vide the order dated 02-02-2021 and it has been held as follows:-

“13. On the part of the applicants, it has been argued that the anomalies were noticed and addressed by the employer, but made effective from a prospective date rather than from the date the anomaly arose. Petitioner-SAIL also failed to bring on record any materials to show that the impugned directions entail huge financial burden which their employer was unable to sustain. We are, however, not impressed with this argument for the reason that interference in the fixation of cut-off date in the matter of implementation of pay revision by a writ court is uncalled for as prescriptions of pay-scales or pay revision or removal of pay anomaly are in the domain of experts which the courts of law are not equipped to deal with under powers of judicial review. Fixation of pay-scale or removal of pay anomaly also entails financial burden upon the employer which decision the employer is best placed to take. Neither did the applicants place any material to show arbitrariness in the fixation of cut-off dates nor did the learned Tribunal considered it proper to hold so while interfering in the decision of the employer-SAIL in granting the additional benefits from a prospective date. In the absence of such materials on record the order of the learned Tribunal stands vitiated in law and may cause a cascading effect on other related services in the organization and also give rise to litigations in other units of the SAIL with similar demands. This Court is therefore satisfied that the order of the learned Tribunal calls for interference in exercise of writ jurisdiction by this Court.”

10. At the time of hearing of these applications an order was passed on 11-12-2025 directing the learned counsel for SAIL to file an affidavit specifically stating as to the rationale behind fixing the cut-off date as 01-01-2016. An affidavit has been filed in compliance of the said order and the said affidavit reveals the steps taken in removing the anomaly but only a fleeting reference has been made regarding the cut-off date based on financial implications. The review petitioners have sought review of the order dated 02-02-2021 passed in W.P.(S) No. 2663/2019 and its analogous cases, primarily on the ground that the Learned

Division Bench has not considered Para (iv) of the office order dated 29-12-2015, which on the face of it is arbitrary and has perpetuated the pay anomaly albeit pre-01.01.2016. In support of his contention reference has been made by the learned counsel for the review petitioners to the case of **P. N. Puri and others (Supra)** wherein it has been held as follows:-

“3. It is contended by the learned counsel for the petitioners that the reason given by the respondents is not relevant since the Anomaly Committee recommended that they are performing the same duties on a par with the Medical Officers. Therefore, the High Court ought to have granted them the scale of pay from 1986. As stated earlier, reasons given in the counter-affidavit may not be the correct reasons but the Anomaly Committee had recommended for payment of the same scale of pay to the persons like the petitioners w.e.f. 7-11-1994. It is well-settled law that fixing a date is not arbitrary violating Article 14. It is settled law that the authorities cannot pick up from their hat and fix a date. The question, therefore, which arises for decision is: whether the date fixed is arbitrary? The question was referred to the Anomaly Committee to advise the Government as to the fixation of the scale of pay to which persons like the petitioners would be entitled to. The Committee had gone into the question and recommended the scale of pay of Rs 2200-4000 to persons like the petitioners and also recommended to give effect from the date on which they had decided, namely 7-11-1994. The Government having accepted the same had given effect from that date. Under those circumstances, it cannot be said that fixation of date is arbitrary violating Article 14.”

11. In the case of **Kallakkurichi Taluk Retired Officials Assn. (Supra)**, it has been held as under:-

“31. We have given our thoughtful consideration to the controversy in hand.

32. First and foremost, it needs to be understood that the quantum of discrimination, is irrelevant to a challenge based on a plea of arbitrariness under Article 14 of the Constitution of India. Article 14 of the Constitution of India ensures to all equality before the law and equal protection of the laws. The question is of arbitrariness and discrimination. These rights flow to an individual under Articles 14 and 16 of

the Constitution of India. The extent of benefit or loss in such a determination is irrelevant and inconsequential. The extent to which a benefit or loss actually affects the person concerned, cannot ever be a valid justification for a court in either granting or denying the claim raised on these counts. The rejection of the claim of the appellants by the High Court, merely on account of the belief that the carry-home pension for employees who would retire after 1-6-1988, would be trivially lower than those retiring prior thereto, amounts to begging the issue pressed before the High Court. The solitary instance referred to above, which is not a matter of dispute even at the hands of the first respondent, clearly demonstrates, that in a given situation, an employee retiring on or after 1-6-1988 could suffer a substantial loss, in comparison to an employee retiring before 1-6-1988. We are, therefore satisfied, that the High Court clearly erred while determining the issue projected before it.

33. *At this juncture it is also necessary to examine the concept of valid classification. A valid classification is truly a valid discrimination. Article 16 of the Constitution of India permits a valid classification (see State of Kerala v. N.M. Thomas). A valid classification is based on a just objective. The result to be achieved by the just objective presupposes, the choice of some for differential consideration/treatment, over others. A classification to be valid must necessarily satisfy two tests. Firstly, the distinguishing rationale has to be based on a just objective. And secondly, the choice of differentiating one set of persons from another, must have a reasonable nexus to the objective sought to be achieved. Legalistically, the test for a valid classification may be summarised as a distinction based on a classification founded on an intelligible differentia, which has a rational relationship with the object sought to be achieved. Whenever a cut-off date (as in the present controversy) is fixed to categorise one set of pensioners for favourable consideration over others, the twin test for valid classification (or valid discrimination) must necessarily be satisfied.*

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36. *The only position adopted in the pleadings filed before this Court for introducing a cut-off date for differential treatment is expressed in Para 4 of the counter-affidavit filed by the State of Tamil Nadu which is being extracted herewith:*

“With reference to the averments made in the grounds of the special leave petition, I submit that the Fifth Pay Commission has revised pay and pension with effect from

1-6-1988. As per the recommendation of the above Pay Commission, the Government had issued orders for the revision of pension and family pension with effect from 1-6-1988 in GOMs No. 810, Finance (PC) Department dated 9-8-1989. It is submitted that the Fourth Tamil Nadu Pay Commission has recommended that at the end of the period of three years, the dearness allowance sanctioned up to that period could be treated as dearness pay. The Fourth Pay Commission revision was given with effect from 1-10-1984. Based on the above recommendation, the Government has issued orders in GOMs No. 371, Finance dated 30-4-1986, read with Government Letter No. 124414/Pension/86-1 dated 11-2-1987, that the dearness allowance sanctioned up to 30-9-1987 shall be treated as dearness pay for the purpose of pensionary benefit in the case of the government servant retiring on or after 1-10-1987.

The orders issued in GOMs 371, Finance dated 30-4-1985 as amended in Government Letter No. 70707-A/Pension/86-1 dated 8-7-1986 read as follows:

‘The Fourth Tamil Nadu Pay Commission have among other things recommended that at the end of a period of three years the dearness allowance sanctioned up to the period could be treated as dearness pay in order to ensure a reasonable pension level. The Government accept the recommendation of the Commission and direct that in the case of government servant, who will be retiring on or after 1-10-1987, the dearness allowance sanctioned up to 1-10-1987 shall be reckoned as dearness pay for the purpose of pension in the case of death of a government servant occurring on or after 1-10-1987 while in service the dearness allowance sanctioned up to 1-10-1987 shall be treated as dearness pay for the purpose of computing family pension.’”

(emphasis supplied)

It is therefore evident that the State Government has not disclosed any object which is desired to achieve by the cut-off date. Most importantly, the financial constraints of the State Government, were not described as the basis/reason for the classification made in the impugned Government Order dated 9-8-1989.”

12. The learned counsel for the review petitioners have sought to assail the order dated 02-02-2021 passed in W.P.(S) No. 2663/2019 and its analogous cases on the precinct of an appeal, but it must be borne in mind that a review application has a very limited scope and cannot be allowed to be an appeal in disguise. Venturing into the scope of review, the same has been succinctly explained in the case of **Sanjay Kumar Agarwal vs. State Tax Officer And Anr.** reported in **2023 SCC online (SC) 1406**, wherein it has been held as follows:-

“7. At the outset, it may be stated that the power to review its judgments has been conferred on the Supreme Court by Article 137 of the Constitution of India. Of course, that power is subject to the provisions of any law made by Parliament or the Rules made under Article 145. The Supreme Court in exercise of the powers conferred under Article 145 of the Constitution of India has framed the Supreme Court Rules, 2013. Order 47 of Part IV thereof deals with the provisions of review. Accordingly, in a civil proceeding, an application for review is entertained only on the grounds mentioned in Order 47 Rule 1 of the Code of Civil Procedure and in a criminal proceeding on the ground of an error apparent on the face of record. However, it may be noted that neither Order 47CPC nor Order 47 of the Supreme Court Rules limits the remedy of review only to the parties to the judgment under review. Even a third party to the proceedings, if he considers himself to be an “aggrieved person”, may take recourse to the remedy of review petition. The quintessence is that the person should be aggrieved by the judgment and order passed by this Court in some respect. [Union of India v. Nareshkumar Badrikumar Jagad, (2019) 18 SCC 586] In view of the said legal position, the review petitioners who claimed to be the “aggrieved persons” by the impugned judgment dated 6-9-2022 [State Tax Officer v. Rainbow Papers Ltd., (2023) 9 SCC 545] , were permitted to file review petitions and were heard by the Court.

8. Before advertng to the contentions raised by the learned counsel for the parties, let us regurgitate the well-settled law on the scope of review as contemplated in Order 47 of the Supreme Court Rules read with Order 47 CPC.

9. In the words of Krishna Iyer J., (as his Lordship then was) “a plea of review, unless the first judicial view is manifestly distorted, is like asking for the Moon. A forensic defeat cannot be avenged by an invitation to have a second look, hopeful of discovery of flaws and reversal of result. A review in the counsel's mentation cannot repair the verdict once

given. So, the law laid down must rest in peace.” [Northern India Caterers (India) Ltd. v. State (UT of Delhi), (1980) 2 SCC 167]

10. It is also well-settled that a party is not entitled to seek a review of a judgment delivered by this Court merely for the purpose of a rehearing and a fresh decision of the case. The normal principle is that 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. [Sajjan Singh v. State of Rajasthan, 1964 SCC OnLine SC 25 : AIR 1965 SC 845]

11. In *Parsion Devi v. Sumitri Devi* [Parsion Devi v. Sumitri Devi, (1997) 8 SCC 715], this Court made very pivotal observations : (SCC p. 719, para 9)

“9. Under Order 47 Rule 1CPC 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 1CPC. In exercise of the jurisdiction under Order 47 Rule 1CPC 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”.”

12. Again, in *Shanti Conductors (P) Ltd. v. Assam SEB* [Shanti Conductors (P) Ltd. v. Assam SEB, (2020) 2 SCC 677 : (2020) 2 SCC (Civ) 788], a three-Judge Bench of this Court following *Parsion Devi v. Sumitri Devi* [Parsion Devi v. Sumitri Devi, (1997) 8 SCC 715] dismissed the review petitions holding that the scope of review is limited and under the guise of review, the petitioner cannot be permitted to reagitate and reargue the questions which have already been addressed and decided.

13. Recently, in *Shri Ram Sahu v. Vinod Kumar Rawat* [Shri Ram Sahu v. Vinod Kumar Rawat, (2021) 13 SCC 1 : (2023) 2 SCC (Civ) 686], this Court restated the law with regard to the scope of review under Section 114 read with Order 47CPC.

14. In *Arun Dev Upadhyaya v. Integrated Sales Service Ltd.* [Arun Dev Upadhyaya v. Integrated Sales Service Ltd., (2023) 8 SCC 11 : (2023) 4 SCC (Civ) 123], this Court reiterated the law and held that : (SCC p. 21, para 35)

“35. From the above, it is evident that a power to review cannot be exercised as an appellate power and has to be strictly confined to the scope and ambit of Order 47 Rule 1CPC. 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.”

15. *It is very pertinent to note that recently the Constitution Bench in Beghar Foundation v. K.S. Puttaswamy (Aadhaar Review-5 J.) [Beghar Foundation v. K.S. Puttaswamy (Aadhaar Review-5 J.), (2021) 3 SCC 1], held that even the change in law or subsequent decision/judgment of coordinate Bench or larger Bench by itself cannot be regarded as a ground for review.*

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 1CPC, 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 reagitate 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.”*

13. In the present case, we have been called upon to reconsider and reinterpret Para (iv) of the office order dated 29-12-15 as held in W.P.(S) No. 2663/2019 and its analogous cases. The error, which is apparent on the face of the record, has not to be glossed over or be given a different connotation than the conclusion it has arrived at, but the error should be such which can be conceivable at a solitary glance. It has been held in **Sanjay**

Kumar Agarwal (supra), the questions which have been addressed, cannot be permitted to be re-agitated and re-argued. However, in the present case, the main plank of argument centers around the absence of any rationale in fixing the cut-off date as 01-01-2016. The learned Division Bench in its order dated 02-02-2021 has categorically come to a conclusion that “Removal of pay anomaly are in the domain of expert which the courts of law are not equipped to deal with under the powers of judicial review.” It has also been held that “Fixation of pay scale on removal of pay anomaly also entails financial burden upon the employer which decision the employer is best placed to take”. The absence of any rationale for not removing the anomalies from the date they occurred and fixing an arbitrary and imaginary date of 01-01-2016 has been considered by the learned Division Bench and considering the case in its entirety and even if two views are possible, the same would be contrary to the principles of review jurisdiction. The purposive interpretation of the order dated 02-02-2021 of the learned Division Bench would not be in the domain of review jurisdiction, but would encroach upon the appellate jurisdiction which this Court is not exercising and upon consideration of the fact that no error apparent on the face of the order dated 02-02-2021 passed in W.P.(S) No. 2663/2019 and its analogous cases is visible, all these review applications are hereby dismissed.

14. Pending interlocutory application(s), if any, stands closed.

(Rongon Mukhopadhyay, J.)

(Deepak Roshan, J.)

Dated: 15th April, 2026
Shamim/-
Uploaded on: 21/04/2026