

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL  
AT DEHRADUN**

Present: Hon'ble Mr. Justice U.C.Dhyani  
----- Chairman  
Hon'ble Mr. Arun Singh Rawat  
-----Vice Chairman (A)

**REVIEW APPLICATION NO. 09/DB/2024  
[IN CLAIM PETITION NO. 15/ SB/2024]**

1. State of Uttarakhand through Secretary, Energy, Secretariat, Subhash Road, Dehradun.
2. Managing Director, Uttarakhand Jal Vidyut Nigam Limited, Maharani Bagh, GMS Road, Dehradun.
3. Executive Director, Human Resource, Uttarakhand Jal Vidyut Nigam Limited, Maharani Bagh, GMS Road, Dehradun

.....Review applicants

**VERSUS**

Dhirendra Singh Rawat, s/o Sri Khushal Singh Rawat, r/o Bhadrakali Enclave,  
Phase-I, Lane No. 06, Dehradun and others.

.....Petitioners (O.Ps. herein)

Present: Dr. N.K.Pant, Advocate, for the review applicants  
Sri L.K.Maithani, Advocate, for the petitioners (O.Ps. herein).

**JUDGMENT**

**DATED: OCTOBER 08,2024**

**Justice U.C.Dhyani (Oral)**

Present review petition along with delay condonation application has been filed on behalf of Uttarakhand Jal Vidyut Nigam Ltd., for reviewing order dated 01.03.2024, passed by the Tribunal in claim petition no.

15/SB/2024, Dharendra Singh Rawat and others vs. State of Uttarakhand and others.

2. Delay in filing the review has not been seriously opposed by Ld. Counsel for the petitioners (O.Ps. herein), therefore, delay in filing the review petition is condoned.

3. It will be useful to reproduce the order under review, as follows:

“Although the petitioners have, in present claim petition, prayed for setting aside certain Govt. Orders, but, when the prayer itself was objected to by Ld. A.P.O., representing Respondent No.1 and Dr. N.K. Pant, Advocate, representing Respondents No. 2 & 3, Mohd. Atif, Advocate, holding brief of Sri R.K.Gupta, Ld. Counsel for the petitioners, submitted that similar order, which was passed by this Tribunal on 27.09.2023 in Claim Petition No. 37/SB/2022, Ashok Kumar Joshi and others vs. State of Uttarakhand and others, may kindly be passed in respect of the petitioners of present claim petition too.

2. In response to the query of the Tribunal, as to why petitioners require similar relief at such a belated stage, Ld. Counsel for the petitioners replied that the petitioners of present claim petition could not join the petitioners of claim petition no. 37/SB/2022 at that point of time and party respondent UJVNL is not giving benefit of the judgment dated 27.09.2023, passed in claim petition no. 37/SB/2022, Ashok Kumar Joshi and others vs. State of Uttarakhand and others to the petitioners, therefore, they were compelled to file present claim petition for the selfsame relief which was given by the Tribunal on 27.09.2023 to the petitioners of claim petition no. 37/SB/2022.

3. Dr. N.K.Pant, Ld. Counsel for Respondents No. 2 & 3, submitted that similar order may kindly be passed by the Tribunal, to dispose of the claim petition, at the admission stage, if respondent/ UJVNL finds the case of present petitioners identical to the case of petitioners of claim petition no. 37/SB/2022.

4. It is cardinal principle of law that similar cases should be decided alike. If, case of present petitioners is in parity with the case of petitioners of claim petition no. 37/SB/2022, then, every petitioner of present claim petition may be given opportunity by the respondents, either to opt for pay fixation with MACP according to the G.Os. dated 25.09.2017 and 22.12.2017 or opt for ACP and pay fixation according to G.O. dated 06.01.2022 and Uttarakhand Jal Vidyut Nigam's Office Memorandum dated 15.03.2022.

5. The Tribunal directs that such option may be sought from every petitioner (of present claim petition), within 12 weeks of presentation of certified copy of this order and decision on fixation of pay and applicability of MACP or ACP to the petitioners may be taken accordingly.

6. The claim petition is disposed of, at the admission stage, with the consent of Ld. Counsel for the parties. No order as to costs.”

4. Various grounds have been taken in the review petition with a prayer to review Tribunal’s order dated 01.03.2024.

5. Dr. N.K.Pant, Ld. Counsel for the review applicants submitted that if the judgment rendered by the Tribunal on 01.03.2024 in Claim Petition No.15/SB/2024, Dhirendra Singh Rawat and others vs. State of Uttarakhand and others is implemented, the same will cause hardship to the petitioners. He further submitted that the benefit of the order of the Tribunal can be given only to 39 employees of the Respondent Corporation, but not to Sri Dhirendra Singh Rawat. If such orders are implemented, the same will create anomaly in pay fixation. Moreover, the same will not be useful and beneficial to Sri Dhirendra Singh Rawat.

6. In reply, Sri L.K.Maithani, Ld. Counsel for the petitioners (O.Ps. herein) submitted that all the petitioners of Claim Petition No. 15/SB/2024 have since retired, implementation of order of the Tribunal dated 01.03.2024 passed in Claim Petition No. 15/SB/2024 will not cause any problem to them. He also submitted that order under review, has attained finality, inasmuch as the respondents have not challenged the same before the Hon’ble High Court.

7. Sri L.K.Maithani, Ld. Counsel for the petitioners (O.Ps. herein). submitted that the review petition is not maintainable. It is liable to be rejected in the backdrop of facts, which have been mentioned in the review application. There is no error apparent on the face of record or clerical/arithmetical mistake in the order under review. The same should be dismissed.

8. The scope of review jurisdiction is very limited. Review is permissible only when (i) there is an error apparent on the face of record; (ii) there is clerical or arithmetical mistake; or (iii) for any other sufficient reason. None of these three is attracted in this case There is no manifest error apparent on the

face of it. There is no clerical mistake. There is no other sufficient reason to indicate that the order sought to be recalled should be recalled/ reviewed in the interest of justice.

9. Reasons have been given in the judgment under review, as to why the Tribunal has issued directions to Respondent Corporation (UJVNL) regarding ACP or MACP on the basis of the decision given by the Tribunal on 27.09.2023 in Claim Petition No.37/SB/2022, Ashok Kumar Joshi and others vs. State of Uttarakhand and others.

10. Review is not appeal in disguise. In Lily Thomas vs. Union of India, reported in (2000) 6 SCC 224, Hon'ble Supreme Court has held that the 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 such power. The review cannot be treated like an appeal in disguise.

11. Review proceedings are not by way of appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 CPC. Power of review may be exercised when some mistake or error apparent on the face of record is found. But error on the face of record must be such an error which must strike on a mere looking and would not require long process of reasoning on the points where there may conceivably be two options. The power of review may not be exercised on the ground that the decision was erroneous on merits. 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. Here, there was no misconception of fact or law. It was observed by Hon'ble Apex Court in Perry Kansagra vs. Smriti Madan Kansagra, (2019) 20 SCC 753: AIR (online) 2019 SC 536, that it is beyond any doubt or dispute that the review Court does not sit in appeal over its own order. A re-hearing of the matter is impermissible in law.

12. Assuming, for the sake of arguments (although not admitted), that the submissions of learned Counsel for the review applicants are valid and legally sound, still, the fact remains that these grounds may be available to the

review applicants in appellate or writ jurisdiction, but not in review jurisdiction.

13. Granting the relief as prayed for by the review applicants is beyond the jurisdiction of a review Court. Even if all the factual grounds taken in the review application are taken to be true, the same would not attract review jurisdiction enabling the Tribunal to grant desired relief to the review applicants.

14. The review petition, therefore, fails and is dismissed. In the circumstances, there shall be no order as to costs.

**(ARUN SINGH RAWAT)**  
VICE CHAIRMAN (A)

**(JUSTICE U.C.DHYANI)**  
CHAIRMAN

*DATE: OCTOBER 08, 2024*  
*DEHRADUN*

*VM*