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**R.P. No.1015/2026**

**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE  
BEFORE**

**HON'BLE SHRI JUSTICE JAI KUMAR PILLAI**

**REVIEW PETITION No.1015 of 2026**

*STATE OF MADHYA PRADESH AND OTHERS*

*Versus*

*SURESH CHANDRA OJHA S/O HARINARAYAN OJHA*

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**Appearance:**

*Ms. Pranjali Yajurvedi – Government Advocate for the  
petitioners/State.*

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Reserved on : 15/05/2026

Post on : 03/06/2026

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**ORDER**

The present petition is a Review Petition filed under Order 47 Rule 1 & 2 read with Section 151 of the Code of Civil Procedure, arising out of a Writ Petition instituted under Article 226 of the Constitution of India.



2. The review petitioners (State/Department) are seeking the review and recalling of the final order dated 09.02.2026 passed by this Court in W.P. No.31686/2025. By the said order, the writ petition was allowed, and directions were issued to grant the benefit of Kramonnati/time-bound pay-scale to the respondent with retrospective effect, along with arrears and consequential pensionary benefits.

**Facts of the Case**

3. The respondent (original writ petitioner) was appointed in the year 1993 under the work-charged/contingency paid establishment in the Department of the review petitioners. He continued in service and ultimately retired on 30.09.2022 upon attaining the age of superannuation.

4. During his entire service tenure, the respondent did not raise any grievance regarding the grant of Kramonnati or time-bound pay-scale. After a lapse of several years, the respondent filed Writ Petition No.31686/2025 before this Court in the year 2025, claiming the benefit of Kramonnati allegedly due from the year 2003, along with arrears and consequential benefits.



5. The respondent relied upon earlier judgments of this Court, including the cases of **Teju Lal Yadav and K.L. Asre**, to contend that work-charged and contingency paid employees form a common class and are entitled to such benefits.

6. The State opposed the writ petition on the grounds of delay and laches and non-applicability of the scheme. However, vide order dated 09.02.2026, this Court allowed the writ petition, holding that the issue was covered by earlier judicial precedents, which cannot be overridden by executive instructions, and directed the grant of the said benefits.

**Contentions of the Petitioner**

7. The prime contention of the review petitioners is that the impugned order suffers from an error apparent on the face of the record as the issue of delay and laches, which goes to the root of maintainability, has not been considered at all by this Court.

8. It is contended that an error was caused while delivering the judgment as the Court could not have been properly informed, per the Limitation Act, that the respondent had already retired from service on 30.09.2022. Claiming the benefit of Kramonnati with



effect from 2003 by preferring a petition in the year 2025 constitutes an inordinate delay of 20-22 years without any explanation.

**9.** The petitioners assert that the writ jurisdiction under Article 226 of Constitution of India is discretionary and equitable, and relief cannot be granted to a person who has slept over his rights. They argue that the respondent raised the claim at the fag end of service or after retirement, which disentitles him from equitable relief.

**10.** To support their submissions, the petitioners have relied upon earlier orders of this Court in W.P. No.5382/2023, W.P. No.14203/2023, and W.P. No.35989/2024, contending that unexplained delay and laches are fatal to service claims, and a litigant who has remained silent for years is not entitled to discretionary relief. It is also urged that granting retrospective monetary benefits causes a serious financial burden upon the State exchequer.



**Analysis and Conclusion**

11. This Court has carefully perused the record and considered the rival submissions. The scope of review under Order 47 Rule 1 of the CPC is highly circumscribed. A review proceeding cannot be equated with an appeal, and it is maintainable only if there is a glaring omission or a patent error apparent on the face of the record.

12. The Hon'ble Apex Court in **Kamlesh Verma v. Mayawati, (2013) 8 SCC 320**, categorically held that :-

*“20.1. When the review will be maintainable:*

*(i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;*

*(ii) Mistake or error apparent on the face of the record;*

*(iii) Any other sufficient reason.*

*The words “any other sufficient reason” have been interpreted in Chhajju Ram v. Neki [(1921-22) 49 IA 144 : (1922) 16 LW 37 : AIR 1922 PC 112] and approved by this Court in Moran Mar Basselios*



*Catholicos v. Most Rev. Mar Poullose Athanasius [AIR 1954 SC 526 : (1955) 1 SCR 520] to mean “a reason sufficient on grounds at least analogous to those specified in the rule”. The same principles have been reiterated in Union of India v. Sandur Manganese & Iron Ores Ltd. [(2013) 8 SCC 337 : JT (2013) 8 SC 275]*

**20.2. When the review will not be maintainable:**

*(i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.*

*(ii) Minor mistakes of inconsequential import.*

*(iii) Review proceedings cannot be equated with the original hearing of the case.*

*(iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.*

*(v) A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error.*

*(vi) The mere possibility of two views on the subject cannot be a ground for review.*

*(vii) The error apparent on the face of the record should not be an error which has to be fished out and*



*searched.*

*(viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.*

*(ix) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negated.”*

**13.** The Apex Court in the aforementioned judgment further clarified that review proceedings cannot be equated with the original hearing of the case, and an error apparent on the face of the record should not be an error which has to be fished out and searched. A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected. The appreciation of evidence on record remains entirely within the domain of the appellate court and cannot be advanced as a ground in a review petition.

**14.** The prime contention of the review petitioner is that the impugned order suffers from an error apparent on the face of the record as the issue of delay and laches was not considered, and that the petition ought to have been dismissed due to an inordinate delay of 20-22 years. This contention of the petitioner is out-rightly



rejected. Moreover his representation dated 24.12.2024 was also rejected vide order dated 10/08/2025.

**15.** The petitioner's case regarding delay and laches does not apply in the present factual matrix. The fault of not granting Kramonnati/time-bound pay scale at the relevant time in the year 2003 was fundamentally the fault of the respondent-department (the review petitioners herein). An employee cannot be penalized or non-suited on the ground of delay when the default and inaction lie squarely upon the employer in failing to extend statutory and policy benefits rightfully due to the employee.

**16.** Furthermore, the case laws relied upon by the review petitioners, namely W.P. No.5382/2023, W.P. No.14203/2023, and W.P. No.35989/2024, do not apply to the present case. These judgments are clearly distinguishable on facts, as the present matter involves an ongoing deprivation of rightful pay fixation and pensionary benefits arising out of the department's own continuous failure.

**17.** Therefore, there is no error apparent on the face of the record in the order dated 09.02.2026 passed in W.P. No.31686/2025. The Writ Court had rightly considered the merits, recognizing that the



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respondent attained the status of a permanent employee and formed a common class entitled to the benefits under the scheme.

**18.** In view of the aforesaid analysis, the present Review Petition is devoid of any merit and is accordingly **dismissed.** The order dated 09.02.2026 passed in W.P. No.31686/2025 is hereby **affirmed.**

No order as to costs.

**(Jai Kumar Pillai)**  
**Judge**

**Aiver\*/PS**