



2026:DHC:2842



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 20.02.2026
Date of decision: 06.04.2026
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+ W.P.(C) 3643/2003

STATE BANK OF INDIA

.....Petitioner

Through: Mr. Rajiv Kapur, SC for SBI with Mr.
Akhsit Kapur, Ms. Riya Sood, Advs.

versus

PRESIDING OFFICER & ANR.

.....Respondents

Through: Mr. Dinesh Kothari, Mr. B.S.
Randhawa, Advs. for R-2

CORAM:
HON'BLE MS. JUSTICE SHAIL JAIN

JUDGMENT

SHAIL JAIN, J

REVIEW PET. 211/2023

1. The present Review Petition has been filed by the Petitioner/Management i.e. State Bank of India seeking review of the judgment dated **02.06.2023** passed by this Court in **W.P.(C) 3643/2003**, whereby the writ petition preferred by the Petitioner challenging the Award dated 04.02.2003 passed by the learned Central Government Industrial Tribunal-cum-Labour Court in I.D. No. 143/1997 came to be dismissed.



2. The brief facts leading to the filing of the present Review Petition are enumerated herein under:

A. The Respondent/Workman Shri S.K. Taparia joined the services of the Petitioner Bank in August 1974 as a Clerk on permanent basis at Sadulsahar Branch, Rajasthan and was subsequently transferred to various branches including Hapur Branch.

B. The Respondent/Workman was placed under suspension with effect from 28.12.1989 on allegations of financial irregularities and misconduct. Thereafter, a charge-sheet was served upon him alleging *inter alia* that he had operated fictitious accounts, engaged in business transactions by forging signatures of customers, negotiated instruments beyond his known sources of income and maintained heavy personal transactions disproportionate to his income.

C. A departmental enquiry was conducted which concluded with the submission of an enquiry report dated 27.04.1993, wherein certain charges were held proved while several other charges were held not proved.

D. The Disciplinary Authority, while concurring with the findings of the Inquiry Officer on some charges, disagreed with the findings relating to the charges held not proved and issued a tentative decision dated 18.04.1994 proposing the punishment of discharge from service and furnished reasons for disagreement to the workman for submitting his response.



E. The Respondent/Workman submitted his reply dated 29.06.1994 and was also granted an opportunity of personal hearing on 13.08.1994. Thereafter, the Disciplinary Authority passed a final order dated 26.10.1994 discharging the Respondent/Workman from service.

F. The departmental appeal preferred by the Respondent/Workman against the order of discharge was dismissed by the Appellate Authority *vide* order dated 01.04.1995, thereby affirming the punishment imposed by the Disciplinary Authority.

G. Aggrieved thereby, the Respondent No. 2 raised an Industrial dispute and the appropriate Government referred the said dispute to the learned Industrial Tribunal *vide* Order No. L-12012/210/96-L.R. (B) dated 18.09.1997, with the following terms of reference:

“Whether the action of the management of State Bank of India in discharging the services of Shri S.K Taparia, Ex-Clerk w.e.f 2.11.94 is just and legal? If not, to what relief he is entitled and from what date?”

H. Before the learned Tribunal, the Respondent No.2/Workman challenged the disciplinary proceedings on the grounds of bias, violation of principles of natural justice and insufficiency of evidence, whereas the Petitioner/Management justified the disciplinary action and contended that the charges stood duly proved in the departmental enquiry. Both parties led evidence in support of their respective cases.

I. Upon adjudication of the dispute, the learned Tribunal passed the Award dated 04.02.2003, holding the punishment of discharge to be illegal and unjustified and directing reinstatement of the



Respondent/Workman with continuity of service, full back wages along with 9% interest and consequential benefits.

J. The Petitioner/Management thereafter instituted W.P.(C) 3643/2003 before this Court under Article 226 of the Constitution of India assailing the said Award.

K. During the pendency of the writ petition, the Respondent/Workman expired and his legal heirs were substituted on record. This Court, by judgment dated 02.06.2023, declined to interfere with the Award and directed the Petitioner/Management to compute and release the financial benefits payable to the Respondent/Workman as if he had remained in continuous service till the date of his death/superannuation.

L. Aggrieved by the said judgment, the Petitioner/Management has filed the present Review Petition contending *inter alia* that the learned Tribunal had erred in not granting an opportunity to the management to lead independent evidence after holding the domestic enquiry to be defective and that the said issue was not adequately considered while deciding the writ petition.

SUBMISSIONS OF THE PARTIES:

3. Learned counsel appearing on behalf of the Petitioner/Management commenced his submissions by contending that the judgment dated 02.06.2023 passed by this Court suffers from an error apparent on the face of record in as much as a crucial jurisdictional issue raised by the Petitioner was not adjudicated. It is submitted that the Labour Court had erroneously



recorded that the Petitioner/Management had not sought any opportunity to lead additional evidence in the event the domestic enquiry was held to be defective. Learned counsel contends that a specific prayer had been made in the written statement filed before the Labour Court reserving the right of the management to prove the charges independently by leading evidence. It is further submitted that the Petitioner had also raised this ground in the writ petition and reiterated the same in the written submissions filed before this Court. Learned counsel submits that though the said plea was noticed in the impugned judgment, the same was not adjudicated, thereby vitiating the decision-making process.

4. Learned counsel argues that once the Labour Court held the domestic enquiry to be defective, it was duty bound in law to grant an opportunity to the management to substantiate the charges by leading independent evidence. Failure to grant such opportunity amounts to a jurisdictional error which rendered the Award illegal. In support of the aforesaid contention, learned counsel relies upon the judgment of the Hon'ble Supreme Court in ***Delhi Cloth and General Mills Co. Ltd. v. Ludh Budh Singh, (1972) 1 SCC 595***, to contend that the management has a right to sustain its order of punishment by adducing independent evidence before the Tribunal provided such request is made before closure of proceedings. Reliance is also placed upon ***Neeta Kaplish v. Presiding Officer, Labour Court, AIR 1999 SC 698*** to contend that where the enquiry is held to be unfair, the Tribunal ought to call upon the management to lead fresh evidence on merits before adjudicating the dispute finally.



5. Learned counsel further relies upon *Eastern Coalfields Ltd. v. Gourinath Banerjee*, 2022 SCC OnLine Cal 602 to submit that if the finding on the preliminary issue regarding validity of enquiry is against the employer, the Tribunal must afford opportunity to the employer to prove misconduct by adducing additional evidence.

6. Lastly, learned counsel submits that the impugned judgment is liable to be reviewed as the non-consideration of the aforesaid jurisdictional ground has resulted in miscarriage of justice and falls within the parameters of review jurisdiction.

7. *Per contra*, learned counsel appearing on behalf of the legal heirs of Respondent No.2/workman opposes the present Review Petition and submits that the same is devoid of merits and is liable to be dismissed. At the outset, learned counsel contends that the Review Petition is not maintainable as no error apparent on the face of record has been demonstrated. It is submitted that the Petitioner is seeking to re-argue the entire matter which has already been conclusively adjudicated by this Court while deciding the writ petition.

8. Learned counsel submits that the scope of review jurisdiction is extremely limited and cannot be invoked for re-appreciation of facts or substitution of a different view on merits. Reliance is placed upon the judgment of the Hon'ble Supreme Court in *Lily Thomas v. Union of India*, (2000) 6 SCC 224 to contend that a mere possibility of two views cannot be a ground for review. It is further contended that the power of review cannot be exercised as if it were an appellate jurisdiction. Reliance is also placed upon the judgment of this Court in *Anil Kumar Jain v. Union of India*



(2005) SCC OnLine Del 520 to contend that review jurisdiction is meant only for correction of patent errors and not for rehearing the matter.

9. Learned counsel submits that the learned Labour Court had rightly held the domestic enquiry to be unfair and improper and thereafter adjudicated the dispute on merits. The impugned judgment has examined the findings of the Tribunal and has consciously declined to interfere.

DISCUSSION:

10. This Court has heard learned counsel for the parties and perused the record, including the judgment dated 02.06.2023 sought to be reviewed.

11. At the outset, it is necessary to reiterate the settled legal position governing review jurisdiction. It is trite that a review proceeding cannot be equated with an appeal and is confined to correcting errors which are manifest and self-evident on the face of the record. The Hon'ble Supreme Court in *Parsion Devi v. Sumitri Devi, (1997) 8 SCC 715* has held that:

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

[Emphasis supplied]



12. Elucidating upon the scope of a review, the Supreme Court in the case of *Kamlesh Verma Versus Mayawati and Others (2013) 8 SCC 320*, observed as follows:

“xxx xxx xxx

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 Poulouse 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 arguments 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. At this juncture, it is also apposite to clarify the scope and meaning of the expression “error apparent on the face of the record”, which forms the cornerstone of review jurisdiction. It is a settled position of law that an error apparent must be one which is **self-evident and manifest from the record itself**, and ordinarily relates to a patent mistake of fact or an obvious error not requiring elaborate arguments to establish. In *Satyanarayan Laxminarayan Hegde v. Mallikarjun Bhavanappa Tirumale, 1959 SCC OnLine SC 10* , the Hon’ble Supreme Court has held:

“17. ...An error which has to be established by a long-drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record.”

14. Thus, the distinction between a factual error apparent on record and a legal error requiring reasoning is well recognized. A patent factual mistake may fall within the scope of review. However, where the alleged error pertains to the manner in which a legal contention has been appreciated or a particular issue has been dealt with, the same would, at best, constitute a possible legal error, which is amenable to appellate jurisdiction and not review.



15. Keeping in view the aforesaid settled position, this Court proceeds to examine whether the present Review Petition discloses any error apparent on the face of the record.

16. The principal contention raised by the Petitioner/Management is that this Court, while dismissing the writ petition, failed to adjudicate upon the specific plea relating to the right of the Management to lead additional evidence after the domestic enquiry was held to be defective.

17. The gravamen of the Petitioner's argument is that once the Labour Court returned a finding that the domestic enquiry was vitiated, it was incumbent upon the Labour Court to grant an opportunity to the Management to substantiate the charges by leading independent evidence, particularly when such a plea was allegedly raised in the written statement. It is contended that non-consideration of this aspect constitutes an error apparent on the face of the record warranting review under Order XLVII Rule 1 CPC.

18. A perusal of the impugned judgment demonstrates that this Court had undertaken a detailed examination of the findings of the Labour Court and the evidentiary material on record. The impugned judgment specifically records serious infirmities in the disciplinary proceedings, particularly with respect to the reliance placed upon the handwriting expert. The relevant observations read as under:

"...The Inquiry Officer even went to the extent and observed that the opinion of the Handwriting Expert considerably lacks reliability and credibility on account of certain blunders committed by him during examination. Further, it was also observed that the Handwriting Expert, Mr. Kashyap has done his job hopelessly and his report lacks professional integrity."



19. Further, this Court had also noted that the primary evidence relied upon by the Disciplinary Authority was itself unreliable:

“The main piece of evidence relied by the Disciplinary Authority was the opinion of the Handwriting Expert which is not a sterling piece of evidence as it is evident from the documents on record.”

20. This Court also recorded categorical findings regarding factual inconsistencies in the evidence, observing that documents treated as admitted writings of the workman were in fact written by other officials:

“The handwriting expert compared the disputed documents with the handwriting of somebody else than that of Shri Taparia...”

21. Thus, it is evident that the impugned judgment is not based on a mere technical affirmation of the Award but on a substantive evaluation of the evidentiary record and procedural infirmities. The judgment reflects an application of mind to the overall legality of the disciplinary action and the Award. The alleged omission to deal with a specific facet of argument does not *ipso facto* render the judgment erroneous, much less amenable to review jurisdiction.

22. In the present case, the grievance of the Petitioner is that this Court did not adjudicate a particular legal plea regarding the right to lead additional evidence before the learned Tribunal. Such a contention does not point to any manifest factual mistake on the face of the record, but rather seeks reconsideration of the legal reasoning and conclusions drawn in the impugned judgment. Therefore, the same does not fall within the narrow scope of review jurisdiction under Order XLVII Rule 1 CPC.



23. The Petitioner has placed reliance upon *Delhi Cloth and General Mills Co. Ltd. v. Ludh Budh Singh*, (1972) 1 SCC 595 and *Neeta Kaplish v. Presiding Officer, Labour Court*, AIR 1999 SC 698.

24. While the proposition that the Management may seek to lead additional evidence where the enquiry is held to be defective is well settled, the said right is not automatic. It is conditional upon the Management making a specific request at the appropriate stage and pursuing the same before closure of proceedings

25. Whether such a request was in fact made, whether it was pressed, and whether the Labour Court erred in not granting such opportunity are all issues which require appreciation of pleadings and procedural conduct. Such questions cannot be adjudicated in review jurisdiction, as they involve a detailed examination of the record and do not fall within the limited scope of “error apparent on the face of the record”.

26. It is apparent that the various submissions made on behalf of the review petitioner, are in the nature of challenging the judgment, as if in appeal. Law in this regard is well settled that any challenge to a decision on merits cannot be subject matter of a review petition, as the same is under the purview of an appeal and such challenge cannot be considered in a review petition. A party cannot re-agitate its submissions already made at the time of hearing of the matter, by way of a review petition. It is to be noted that a review petition is not in the nature of rehearing of a matter.

27. It is undisputed that a Court while hearing a review petition is not permitted to undertake the role of an appellate Court, nor deal with averments which have already been decided on merits. Thus, the Supreme



Court in the case of *State of Telangana and Others Versus Mohd. Abdul Qasim*, (2024) 6 SCC 461, has held as under:

““xxx xxx xxxx

26. *Mistake or error apparent on the face of record would debar the court from acting as an appellate court in disguise, by indulging in a re-hearing. A decision, however erroneous, can never be a factor for review, but can only be corrected in appeal. Such a mistake or error should be self-evident on the face of record. The error should be grave enough to be identified on a mere cursory look, and an omission so glaring that it requires interference in the form of a review. Being a creature of the statute, there is absolutely no room for a fresh hearing. The court has got no role to involve itself in the process of adjudication for a second time. Instead, it has to merely examine the existence of an apparent mistake or error. Even when two views are possible, the court shall not indulge itself by going into the merits.*

27. *The material produced, at this stage, should be of such pristine quality which, if taken into consideration, would have the logical effect of reversing the judgment. Order 47 Rule 1 CPC, 1908 indicates that power of review can be exercised by courts, in three different situations, but these occasions ought to be read in an analogous manner. In other words, they should be read in a manner to mean that a restrictive power has been conferred upon the court. As stated, the words “for any other sufficient reason” ought to be read in conjunction with the earlier two categories reiterating the scope. Being a judicial discretion, it has to be exercised with circumspection and on rare occasions. It is a power to be exercised by way of an exception, subject to the rigours of the provision.”*

28. A crucial factor which cannot be overlooked is that the Respondent/Workman expired during the pendency of the writ proceedings.

29. The right of the Management to lead evidence is not unilateral but is



accompanied by the corresponding right of the workman to cross-examine witnesses and lead rebuttal evidence. In the absence of the workman, any direction to remand the matter for fresh evidence would render the proceedings inherently one-sided and violative of principles of natural justice.

30. The present dispute pertains to disciplinary action of the year 1994, followed by an Award in 2003 and adjudication of the writ petition in 2023. The present Review Petition is being considered after more than three decades of litigation. At this stage, reopening the matter on a procedural ground would not advance the cause of justice but would rather unsettle rights which have already crystallized in favour of the legal heirs of the deceased workman. The principles of finality and substantial justice must prevail over technical considerations.

31. The contention of the Petitioner that the Labour Court committed a jurisdictional error is also without merit. The Labour Court adjudicated the dispute on merits after both parties led evidence, and this Court, in exercise of jurisdiction under Article 226, found no perversity or illegality warranting interference.

32. The alleged omission, even if assumed, does not rise to the level of a patent error warranting review.

CONCLUSION

33. In view of the foregoing discussion, this Court is of the considered opinion that:

I. No error apparent on the face of the record has been demonstrated;



2026:DHC:2842



II. The Review Petition is an attempt to re-argue the matter on merits;

III. The relief of remand has, in any event, been rendered impracticable due to the demise of the workman; and

IV. Interference at this stage would defeat the principles of finality and substantial justice.

34. Accordingly, the present Review Petition is dismissed.

SHAIL JAIN
JUDGE

APRIL 06, 2026
DG