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R. P No. 1158/2025

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

&

THE HONOURABLE MR. JUSTICE K. V. JAYAKUMAR

TUESDAY, THE 24TH DAY OF MARCH 2026/3RD CHAITHRA, 1948

RP NO. 1158 OF 2025

AGAINST THE JUDGMENT DATED 07.02.2025 IN OP (CAT)

NO.60 OF 2020 OF HIGH COURT OF KERALA

REVIEW PETITIONERS/RESPONDENT IN THE OP CAT 60 OF 2020:

- 1 UNION OF INDIA, REPRESENTED BY THE SECRETARY,
DEPARTMENT OF TELECOM, SANCHAR BHAVAN,
20, ASOKA ROAD, NEW DELHI, PIN - 110001
- 2 BHARAT SANCHAR NIGAM LIMITED
CORPORATE OFFICE,
BHARAT SANCHAR BHAWAN,
HARISH CHANDRA MATHUR LANE,
NEW DELHI, PIN - 110001
- 3 THE SECRETARY, GOVERNMENT OF INDIA,
MINISTRY OF HEAVY INDUSTRIES AND PUBLIC ENTERPRISES,
DEPARTMENT OF PUBLIC ENTERPRISES,
PUBLIC ENTERPRISES BHAWAN,
BLOCK NO.14, CGO COMPLEX, LODHI ROAD,
NEW DELHI, PIN - 110001
- 4 THE SECRETARY, GOVERNMENT OF INDIA,
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND
PENSIONS, DEPARTMENT OF PENSIONS AND PENSIONERS'
WELFARE, NEW DELHI, PIN - 110001



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5 THE CONTROLLER OF COMMUNICATION ACCOUNTS
BSNKL BHAWAN, KERALA CIRCLE,
TRIVANDRUM, PIN - 695033

BY ADV SHRI.T.C.KRISHNA, SENIOR PANEL COUNSEL

RESPONDENTS/PETITIONERS IN OP CAT 60 OF 2020:

1 ALL INDIA BSNL PENSIONERS WELFARE ASSOCIATION
AH 189/61, 3RD STREET, AUROVILLE FLATS, ANNA NAGAR,
CHENNAI-600040 REPRESENTED BY ITS PRESIDENT,
P.S.RAMANKUTTY, AGED 74 YEARS, S/O LATE R.SIVARAMAN
NAIR, RESIDING AT TC 55/1953, CTO COLONY,
PAPPANAMCODE, TRIVANDRUM, PIN - 695018

2 P.VADIVEL, AGED 80 YEARS
S/O LATE V.PERUMAL, RETIRED CHIEF SECTION
SUPERVISOR, O/O PRINCIPAL GENRAL MANAGER,
BSNL BHAVAN, ERNAKULAM,
RESIDING AT 10/855, AMBADY,
S.S.KRISHNAN ROAD, FORT KOCHI,
KOCHI, PIN - 682001

ADV. MATHEWS K PHILIP, SC, BSNAL
ADV. R. SREERAJ

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON
24.03.2026, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



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ORDER

K. V. Jayakumar, J.

This Review Petition is filed by the Union of India under Order XLVII Rule 1 r/w Section 114 of the Code of Civil Procedure, 1908, impugning the judgment in OP(CAT) No.60/2020 dated 07.02.2025.

2. Earlier, before filing this Review Petition, the review petitioner approached the Honourable Apex Court and preferred SLP (Civil) Diary No.39478/2025. The Apex Court, by order dated 08.08.2025, disposed of the SLP as withdrawn with liberty to file a Review Petition before this Court within four weeks. The Apex Court further observed that if such a Review Petition is filed within the aforesaid four weeks, the High Court shall not dismiss it on the ground of limitation and would decide the matter on merits, after issuing notice to all the parties concerned.

3. The order of the Apex Court in SLP (Civil) Diary No.39478/2025 is extracted hereunder:

“At the outset, Mr. Vikramjeet Banerjee, learned Additional Solicitor General (ASG) appearing for the petitioners, fairly submits that one of the major points which goes in support of the come by way of contentions raised before this Court has clarification letter issued by the concerned authorities.

However, he also fairly submits that the said issue could not be brought to the notice of the High Court at the time of passing of the impugned judgment.

3. Accordingly, he prays that the Court may permit him to withdraw the present petition with liberty to seek review of the impugned order before the High Court itself, with an observation that the case may be heard on merits and not dismissed at the threshold on the ground of limitation.



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4. Having regard to the aforesaid, the Special Leave Petition stands disposed of as withdrawn with liberty aforesaid.

5. However, if such a review petition is filed within four weeks from today, the High Court shall not dismiss it on the ground of limitation and would decide the matter on merits, after issuing due notice to all parties concernen COURT OF

6. We further make it clear that we have not expressed any opinion on the merits of the case.

7. Additionally, we grant liberty to the parties to move this Court again, depending on the outcome of the review.

8. Pending application(s), if any, shall also stand disposed of.”

4. Pursuant to the order of the Apex Court, the review petitioner has preferred the review petition before this Court within the timeline fixed by the Apex Court. This Court, on 04.12.2025, allowed the application filed under Section 5 of the Limitation Act. The review petitioner filed I.A. No.1/2025 seeking production of documents in view of the order passed by the Apex Court. The said interim application was also allowed and the documents were taken on record. In the Review Petition, notice was ordered to the respondents. Sri. R. Sreeraj appeared for the respondents.

5. The learned counsel for the review petitioners, Sri. T.C. Krishna submitted that the impugned judgment is illegal and vitiated by patent and apparent errors on the face of record.



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6. The learned counsel for the petitioners further submitted that Annexure-A5 OM dated 12.05.2017 issued by DoP & PW for revision of pension with effect from 01.01.2016 was applicable to the Central Government Civil Pensioners drawing pension on CDA pattern and is not applicable to the BSNL absorbed Combined Service IDA pensioners getting pension based on the IDA pay scales at the time of their retirement. He further submitted that for the PSU employees under the IDA pattern, the Department of Public Enterprises (DPE), Ministry of Finance, issued orders related to IDA pay revision after the Pay Revision Committee (PRC). Therefore, according to the learned counsel, Annexure-A5 OM regarding revision of pension of retired Central Government Employees is not applicable to BSNL absorbed Combined Service IDA pensioners.

7. Annexure-A4 OM dated 04.08.2016, and Annexure-A5 order are applicable for the Central Government Pensioners who are drawing pension from the Central Government scales, i.e., on CDA pay scale.

8. The learned counsel would further submit that DoP & PW vide OM No. 4/20/2018-P & PW(D) dated 17.07.2018 clarified that OM dated 04.08.2016 and 12.05.2017 (Annexure-A5) for revision of pension with effect from 01.01.2016 are applicable for the Central Government Civil Pensioners drawing in CDA pattern and are not applicable to the BSNL absorbed Combined Service IDA pensioners. It is also mentioned in the OM dated 17.07.2018 that similar orders issued by DoP&PW for revision of pension of Central Government Civil Pensioners on the recommendation of



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the 6th CPC were also not applicable to the BSNL absorbed combined service IDA pensioners.

9. The learned counsel pointed out that the Department of Telecommunications issued separate orders for revision of pension of BSNL absorbed combined service IDA pensioners with effect from 01.01.2007 based on the recommendation of the 2nd Pay Revision Committee (PRC) to remove the anomaly between the old and new IDA pensioners.

10. The learned counsel for the review petitioners submitted that in the impugned judgment, it is mentioned that Annexure-A5 OM dated 12.05.2017 has not explicitly excluded the retirees, who were drawing IDA pay scales from the benefit of 50% of the notional pay on the basis of the recommendations of the 7th CPC. The learned counsel further submitted that Annexure-A5 order was meant only for the Central Government Pensioners who follow the CDA Pay scales and whose pay revision is done through the Central Pay Commissions. The said aspect was already clarified by the Department of Pension and Pensioners Welfare vide OM dated 17.07.2018 which explicitly excludes the retirees who were drawing the IDA pay scales from the benefits of pension revision on the basis of 7th CPC recommendations. The learned counsel for the revision petitioners further submitted that in its subsequent clarification dated 27.03.2025, this point was reiterated.

11. On the other hand, the learned counsel for the respondents, Sri. R. Sreeraj, submitted that the review petition is not maintainable. The review



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petitioners are trying to reagitate the matter already adjudicated by this Court. The learned counsel submitted that this review petition is an appeal in disguise. The learned counsel for the respondents would submit that there are apparent errors on the face of record which are required to be corrected.

12. The learned counsel for the respondents pointed out that the documents produced by the review petitioner herein are not at all relevant for consideration of this review application. Annexure-A2 document produced before the review court is an office memorandum issued by the Ministry of Personnel, Public Grievances & Pensions, Department of Pension & Pensioners Welfare, dated 17.07.2018 while the matter was pending before the Tribunal. Annexure-A3 document produced before the review court is another Office Memorandum dated 27.03.2025, after the disposal of the O.P.(CAT) No.60 of 2020.

13. Before we proceed with the discussion, it would be useful to extract Order XLVII Rule 1 and Section 114 of the Code of Civil Procedure.

“1. Application for review of judgment.-(1) Any person considering himself aggrieved,-

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,

(b) by a decree or order from which no appeal is allowed, or

(c) by a decision on a reference from a Court of Small Causes,

and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him



at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.

(2) A party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the appellant, or when, being respondent, he can present to the Appellate Court the case on which he applies for the review.

Explanation. The fact that the decision on a question of law on which the judgment of the Court is based has been reversed or modified by the subsequent decision of a superior Court in any other case, shall not be a ground for the review of such judgment.”

“**114. Review-**. Subject as aforesaid, any person considering himself aggrieved-

(a) by a decree or order from which an appeal is allowed by this Code, but from which no appeal has been preferred,

(b) by a decree or order from which no appeal is allowed by this Code, or

(c) by a decision on a reference from a Court of Small Causes,

may apply for a review of judgment to the Court which passed the decree or made the order, and the Court may make such order thereon as it thinks fit.”



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14. It would be useful to refer the principles of law laid down by the Apex Court, before further discussion.

15. In **Parsion Devi v. Sumitri Devi**¹, the Apex Court held as under:

” 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’.”

16. In **S. Murali Sundaram v. Jothibai Kannan**², the Apex Court reiterated that review is not an appeal in disguise. The power of review can be exercised for the correction of a mistake, not to substitute a view; such powers can be exercised within the limits of the statute dealing with the exercise of power.

17. In **Malleeswari v. K. Suguna**³, the Apex Court observed that the power of review is different from appellate power and is subject to

¹ (1997) 8 SCC 715

² (2023) 13 SCC 515

³ 2025 KHC OnLine 6773



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certain limitations. Review is not to be confused with appellate powers, which may enable an Appellate Court to correct all manner of errors committed by the Subordinate Court.

18. The principles laid down in **Malleeswari** (supra) and **S. Murali Sundaram** (supra) make the position abundantly clear: the power to review a judgment cannot be equated with appellate powers, and review jurisdiction is confined to correction of manifest errors and not to substitution of views or re-appreciation of the matter.

19. The principal submission of the learned counsel for the review petitioners is with respect to the applicability of Annexure-A5 OM dated 12.05.2017. This Court in the impugned judgment expressed the view that the said OM has not explicitly excluded the retirees, who were drawing IDA pay scales from the benefit of 50% of the notional pay on the basis of the recommendations of the 7th CPC. According to the learned counsel for the review petitioners, Annexure-A5 OM was meant only for the pensioners who follow CDA pay scales and whose pay revision is done through Central Pay Commissions. The learned counsel for the review petitioners pointed out that this aspect has already been clarified by the Department vide OM dated 17.07.2018 (Annexure-A2) with reference to OA No. 346 of 2018. The said OM explicitly excludes the retirees drawing the IDA pay scales from the benefits of pension revision on the basis of 7th CPC recommendations.

According to the learned counsel for the review petitioners, this aspect was again clarified by another order dated 27.03.2025 (Annexure-A3).



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20. Annexure A2, which is heavily relied upon by the learned counsel, is merely an internal office communication issued by the 3rd respondent in the Original Petition to his subordinate officers, after vetting the counter affidavit filed in the very same proceedings. Annexure A3 is of a similar nature—an internal memorandum directing the Department of Telecommunications (DoT) to examine the feasibility of challenging the judgment of this Court before the Apex Court. In our considered view, it would be wholly misplaced, if not far-fetched, for the review petitioner to rely on Annexures A2 and A3 as a basis to seek review of a judgment rendered by this Court on a full consideration of the merits of the case. These documents, being purely internal in nature, do not in any manner affect or undermine the reasoning adopted in the judgment under review. It must be borne in mind that this Court, after a careful and purposive interpretation of sub-rule (8) of Rule 37A, along with the explanation appended thereto, had come to the conclusion that the benefit of 50% of notional pay, as recommended by the 7th Central Pay Commission while revising pay scales and pensions, does not explicitly exclude retirees who were drawing IDA scales. The finding, therefore, rests on a clear statutory interpretation and cannot be reopened on the basis of such internal communications.

21. Furthermore, in the light of the authoritative pronouncements referred to above, it is evident that the Review Court cannot sit in appeal over its own judgment. This Court, by judgment dated 07.02.2025, has



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already considered the various aspects of the matter in detail and arrived at its conclusions. The present review petition is nothing but an attempt to re-agitate the very same issues, which is legally impermissible.

22. On a careful examination of the record and upon hearing the submissions advanced, we do not find any error apparent on the face of the record warranting exercise of the review jurisdiction under Order XLVII Rule 1 of the Code of Civil Procedure.

Accordingly, the Review Petition is dismissed.

Sd/-
**RAJA VIJAYARAGHAVAN V,
JUDGE**

Sd/-
**K.V. JAYAKUMAR,
JUDGE**

Sbna/



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APPENDIX OF RP NO. 1158 OF 2025

PETITIONER ANNEXURES

Annexure 1	TRUE COPY OF THE ORDER OF THE SUPREME COURT DATED 08-08-2025 DIARY NO(S). 39478/2025
Annexure 2	TRUE COPY OF THE SAID OM DATED 17-07-2018 NO. 4/20/2018-P&PW(D)
Annexure-A	Corrected Synopsis
Annexure 3	TRUE COPY OF THE OM DATED 27-03-2025 NO. 4/20/2018-P&PW(D) 10612(10602)