

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO.11329 of 2025
(@SLP (C) No.8296/2025)**

THE CANARA BANK & ORS.

APPELLANTS

VERSUS

M MICHAEL RAJ

RESPONDENT

O R D E R

1. Leave granted.

2. An order which came to be passed in an intra-court appeal on 06.09.2016 came to be reviewed by the impugned order dated 09.09.2024 by exercising of the power under Order 47 Rule 1 Code of Civil Procedure (CPC), 1908 and order dated 06.09.2016 came to be recalled and restored the appeal for having hearing afresh by condoning the delay of eight (8) years in filing the review. Hence this appeal.

3. Having heard the learned counsel for the parties, we are in complete agreement with the proposition of the

learned counsel for the appellants which is to the effect that review is impermissible on the basis of subsequent judgment having been rendered in favour of review petitioner in another case; for the reasons indicated hereinbelow.

4. The facts shorn of unwarranted details can be crystallized as under and the parties are referred to as per the rank before the writ court.

4.1. The petitioner, who joined the bank on 29.07.1978 was promoted as an officer in March 1988 and after having worked for about two years, gave up his promotion and sought for being reverted to clerical cadre and acceding to his request petitioner was reverted back to the post of Clerk on 26.03.1990. Petitioner was granted an increment in 1991 and the same was recovered and in 2011 petitioner was informed that he was not eligible for stagnation increment as per the Bipartite Settlement. Hence, a representation came to be submitted by petitioner, which was turned down, and even subsequent representations submitted, did not yield any fruitful result. Hence, petitioner invoked the extra-ordinary jurisdiction of the High Court by filing a writ petition

under Article 226 of the Constitution of India, which came to be dismissed by the learned Single Judge by taking note of bipartite agreement dated 10.04.1989 (5th bipartite agreement), which stipulated that stagnation increment can only be refused to an employee, who at any time after the commencement of the settlement and after being offered or selected for promotion, refuses to accept such promotion. Learned Single Judge observed that petitioner did not fall under the said circular since he accepted the promotion and there is no question of granting any relief.

4.2. Hence, on the ground that once he was promoted, he could not claim stagnation increment, his claim was rejected. Learned single judge also took note of the fact that 6th bipartite settlement, which has come into force on 14.02.1995, was of the view that petitioner did not opt for reversion within one year, but after two years and as per Clause 5 (c)(i) of the 6th bipartite agreement was not entitled to grant of stagnation increment. The said order, which was assailed in writ appeal, did not yield any fruitful result or in other words, the order of rejection was affirmed by dismissing the appeal.

5. The petitioner having gone into deep sleep for eight long years suddenly woke up from his slumber to file a review petition, obviously, as could be seen from recitals or the averments extracted in the impugned order whereby similar employee had been extended the benefit, which seems to have triggered the petitioner to file a review petition or in other words, the subsequent law laid down in case of another employee enlightened the petitioner to file a review petition. In fact, the Review Petition itself is not maintainable inasmuch as Explanation to Order 47 Rule 1 CPC is a complete answer to the same. It clearly prohibits filing of review petition due to subsequent judgment and the expression used thereunder is a complete answer to this proposition which reads thus:

“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.”

6. On this short ground alone, the present appeal succeeds. This view would also get fortified by the judgment of this Court in *Sanjay Kumar Agarwal v. State Tax Officer*, (2024) 2 SCC 362 and also the judgment in

State (NCT of Delhi) v. K.L. Rathi Steels Ltd., (2024) 7

SCC 315 whereunder it came to be held as follows:

"110. We, thus, hold that no review is available upon a change or reversal of a proposition of law by a superior court or by a larger Bench of this Court overruling its earlier exposition of law whereon the judgment/order under review was based. We also hold that notwithstanding the fact that *Pune Municipal Corpn. [(2014) 3 SCC 183 : (2014) 2 SCC (Civ) 274]*, has since been wiped out of existence, the said decision being the law of the land when the civil appeals/special leave petitions were finally decided, the subsequent overruling of such decision and even its recall, for that matter, would not afford a ground for review within the parameters of Order 47 CPC."

7. In that view of the matter, the review not being maintainable, it ought not to have been entertained. That apart, we notice, the two earlier bipartite agreements i.e. 08.09.1983 and 10-04-1989, were superseded by 6th bipartite agreement dated 14.02.1995 and under clause 5(c)(ii), the employee would not be eligible for stagnation increment, if he, after accepting the promotion seeks and is granted, reversion after one year from the date of promotion. It is undisputed fact that the petitioner would squarely fall within the expression of this clause and even on merits the petitioner would not be entitled for stagnation increment.

8. For the cumulative reasons aforesated, the appeal succeeds and accordingly it is allowed. The Order dated 09.09.2024 passed by Madurai Bench of Madras High Court in Rev.APLC(MD) No.65 of 2023 in W.A. No.20/2013 is hereby set aside and Review Petition is dismissed. No order as to costs

9. Pending application(s), if any, shall stand disposed of.

.....J.
[ARAVIND KUMAR]

.....J.
[N.V. ANJARIA]

New Delhi;
02nd September, 2025

ITEM NO.22

COURT NO.14

SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 8296/2025

THE CANARA BANK & ORS.

Appellant(s)

VERSUS

M MICHAEL RAJ

Respondent(s)

Date : 02-09-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR
HON'BLE MR. JUSTICE N.V. ANJARIA

For Appellant(s) :

Mr. Rajesh Kumar Gautam, AOR
Mr. Anant Gautam, Adv.
Mr. Deepanjal Choudhary, Adv.
Ms. Likivi Jakhalu, Adv.
Mr. Rishi Chauhan, Adv.
Mr. Hanu Parashar, Adv.
Ms. Azal Aekram, Adv.

For Respondent(s) :

Mr. V. Prabhakar, Sr. Adv.
Ms. E. R. Sumathy, AOR
Mrs. Jyoti Parasher, Adv.
Ms. Harmeet Kaur, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. Appeal is allowed in terms of the Signed Order placed on the file.
3. Pending application(s), if any, shall stand disposed of.

(RASHI GUPTA)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)