

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.127 of 2014

IN

LPA 1614 of 2013

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Chandrama Prasad Yadav Son of Deodhari Prasad Yadav Resident of Village -
Sidhwali, Police Station - Hussainganj, District - Siwan

.... Petitioner/s

Versus

1. The Central Bank of India through Zonal Manager, Central Bank of India, Zonal Office, Pawapuri Vihar, Bhagwanpur Chowk, Muzaffarpur
2. The Regional Manager, Central Bank of India, Regional Office Near Head Post Office, Patna.
3. The Chief Manager, Central Bank of India, Patna Market, Siwan
4. The Branch Manager, D.A.V.College Extension Counter Branch, Central Bank of India.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar

For the Respondent/s : Mr. Rajeev Ranjan Prasad

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

Date: 20-01-2015

Heard learned counsel for the petitioner and learned
counsel for the respondent-Central Bank of India.

The petitioner seeks review of the judgment and order
dated 18.2.2014 passed in L.P.A. No.1614 of 2013.

In the writ petition filed by the petitioner, the stand taken
was that he had worked for 240 days in a calendar year and thus in
terms of the Circular issued by the respondent-bank under the Scheme
the petitioner, who was a Safai Karamchari, was entitled to be

considered for interview for appointment as regular Class-IV employee.

The Writ Court noted the fact that in an earlier writ petition, the respondent-authorities had calculated the number of days worked by the petitioner and it was found out 233 days and not 240 days. The petitioner, thereafter, claimed that seven days he had worked and signed as Mohan Ram and as his own name and the same should be treated as he has continuously worked for 240 days. The Writ Court ultimately came to the conclusion that the same was a disputed question of fact and considering the fact that the petitioner has not been in service of the Bank for 240 days dismissed the writ petition. Thereafter in the appeal filed by the petitioner this Court, finding no merit in the appeal, has dismissed the appeal.

Learned counsel for the petitioner has sought to reiterate his entire stand but the same is not available to the petitioner in a review application as it pertains to a pure question of fact which has been considered earlier and finding it to be disputed question of fact, the same has not been accepted. The L. P. A. Bench has also looked into legal aspect of the matter as to whether any such process could have been undertaken by the Bank itself. The same does not make any difference to the fact that the entire writ petitioner was based upon a decision on a disputed question of fact which the Writ Court had

rightly decided beyond the purview in the writ jurisdiction.

In the aforesaid circumstances, we find no ground for review of the judgment and order dated 18.2.2014 under review.

The review application is, accordingly, dismissed.

(Ramesh Kumar Datta, J)

(Vikash Jain, J)

V.P.Sinha/-

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