

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.501 of 2013

IN

Civil Writ Jurisdiction Case No. 18550 of 2010

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Ram Babu Singh, S/o Shree Shiv Paras Singh, Resident of Village- Jaitipur, Via-
Dighwara, District- Saran

.... Respondent-Petitioner

Versus

1. The Union of India through the Secretary- Cum- Director General, Department of Post, Dak Bhawan, New Delhi.
2. The Chief Post Master General, Bihar Circle, Patna.
3. The Post Master General, Northern Region, Muzaffarpur.
4. The Director of Postal Services, Northern Region, Office of Postmaster General, Northern Region, Muzaffarpur.
5. The Senior Superintendent of Post Office, Saran Postal Division, Chapra.

.... Petitioner- Respondent

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Appearance :

For the Petitioner : Mr. AJAY KUMAR, Adv.
For the Respondents : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 13-02-2015

This application is filed under Order 47, Rule-1
read with Section-114 of C.P.C., with a prayer to review the
order dated 15.10.2011, passed by this Court in C.W.J.C.
No.18550/10.



The petitioner is a Sub Post Master at Basantpur, Indian Postal Department. Disciplinary proceedings were initiated against him by issuing a charge-sheet dated 14.3.2006. It was alleged that the petitioner has withdrawn a sum of Rs.1,52,230.00 on 17.3.2005, though the actual necessity was hardly of about Rs.75,000.00 and the balance amount, when stored in a damaged almirah, has been stolen by the miscreants. It was alleged that the Department has incurred a loss to the extent of Rs.96,640.00. The petitioner submitted his explanation and, not satisfied with the same, the disciplinary authority issued the order of punishment dated 31.8.2006, imposing the penalty of recovery of Rs.64,428/- in equal monthly instalments of Rs.1500, except the last being of Rs.428/-.

Aggrieved by the order of punishment, the petitioner filed O.A. No.51/08 before the Patna Bench of Central Administrative Tribunal. Through its order dated 28th May, 2010, the Tribunal has set aside the order of punishment. The Department filed C.W.J.C. No.18550/10 challenging the order of the Tribunal. This Court allowed the writ petition through the order under review and has set aside the order passed by the Tribunal.

Heard Shri Ajay Kumar, learned counsel for the

petitioner, and learned counsel for the respondents.

For all practical purposes, the learned counsel for the petitioner has repeated the grounds that were urged in the O.A. as well as in the C.W.J.C. It is fairly well settled that the review is not a remedy equivalent to appeal, and it is only when the concerned party demonstrates that an important fact that has a direct bearing on the adjudication missed the consideration by the Court or when a binding precedent or relevant provision of law was not taken into account, that there exists a possibility for review.

In the instant case, it was not even pleaded by the petitioner that any irregularity has crept into the disciplinary proceedings in the matter of procedure. So far as the punishment is concerned, it was not even alleged that it is shockingly disproportionate. Still the Tribunal interfered with the order of punishment, just by making general observations. This Court took note of the fact that the Tribunal failed to maintain the distinction between the decision making process, on the one hand, and decision as such, on the other hand; and observed that the Tribunal interfered with the order of punishment, though no defect was pointed out in the decision making process. Learned counsel for the petitioner is not able to satisfy us as to what

serious infirmity has crept into the order passed by this court. We do not find any basis to review the order.

The review petition is, accordingly, dismissed.

Interlocutory application, if any, stands disposed of.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Shivaji Pandey, J)

K.C.jha/-
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