

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.378 of 2014

In

Civil Writ Jurisdiction Case No. 7581 of 2013

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The Branch Manager Punjab National Bank Raj Nagar Branch, Station Road, Madhubani through Pramod Kumar Jha Sr Branch Manager

.... Petitioner / Respondent No. 5

Versus

1. Bibi Satya wife of Md Ayub R/o Village Balha, P.S. Raj Nagar, District Madhubani

.... Opposite Party 1st set / Writ petitioner

2. The Union of India through the Under Secretary, Govt of India, Sawatantrata Senani Office, Lok Nayak Bhawan, Khan Market, New Delhi

3. The Secretary, Ministry of Home Affairs, Government of India, New Delhi

4. The State of Bihar through the Secretary (Special) Bihar

5. The District Collector, Madhubani

.... Opposite Parties 2nd set / Respondents

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Appearance:

For the Petitioner/s : Mr. Kumar Priya Ranjan, Advocate

For the Respondent/s : Mr. Purnendu Singh, GP-27

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

5 02-09-2015

Heard Mr. Kumar Priya Ranjan for the petitioner, Mr.

Purnendu Singh, G.P. 27 for the State and the Opposite party no. 1

who has registered appearance through Mr. Md. Irshad.

This review application has been filed praying for review of the order dated 02.9.2014 passed by this Court in CWJC No. 7581 of 2013 whereby the writ petition filed by the opposite party no. 1 herein was allowed in the following terms:

“Having considered the matter in its entirety, this Court is of the opinion that in absence of any restraint order issued either by the State Government or by the Government of India in making payment of freedom fighter pension to the petitioner, the stoppage of pension by the

Bank is an illegal action. This Court in the circumstances directs the respondent-Bank to immediately release the pension to the petitioner.

This writ petition is allowed.”

This review application was preferred complaining that the writ petitioner had suppressed material facts from this Court and which led to the direction so passed in the writ petition. The Bank has enclosed an order dated 17.1.2014 of the Home (Special) Department whereby recommendations had been made for cancellation of the freedom fighter pension allowed to the opposite party no. 1. The petitioner has also enclosed an order dated 14.10.2014 of the Government of India addressed to the Home (Special) Department, Government of Bihar whereby the payment of the pension to the opposite party no. 1 has been suspended until further orders. It is on the strength of these two documents that the petitioner Bank complains that the writ petitioner who is the opposite party no. 1 had suppressed material facts and which led to a direction in her favour.

I have heard learned counsel for the parties and I have perused the records. I am rather surprised as to the documents relied upon by the Bank to seek a review. Whereas the order of the Home (Special) Department dated 17.1.2014 placed at Annexure-2 simply recommends a cancellation of the freedom fighter pension of the writ petitioner, the order dated 14.10.2014 issued by the Government of India proceeds to suspend the same

after the disposal of the writ petition on 02.9.2014. Meaning thereby that as on the date when the order was passed by the writ Court i.e. 02.09.2014, there was no restraint order issued either by the State or the Union of India in respect of payment of the freedom fighter pension to the writ petitioner. The operative directions issued in the writ petition have been quoted hereinabove and the position is self eloquent. Even the two documents so relied by the review petitioner does not make a shift to the opinion so formed by this Court.

In my opinion the sole ground so raised by the review petitioner charging the writ petitioner of suppression of material facts from this Court is not founded on cogent grounds. Even if a proceeding had been initiated for cancellation of the freedom fighter pension of the writ petitioner, yet no order of restraint had been issued on the date the writ petition was disposed of and this is exactly what the writ Court had observed while issuing the directions.

In the circumstances so discussed and considering that the order of suspension has been issued only on 14.10.2014 i.e. subsequent to the order of the writ Court, in my opinion, that cannot be a ground for seeking a review and the review application is accordingly disposed of.

(Jyoti Saran, J)

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