

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.289 of 2014

In
Civil Writ Jurisdiction Case No. 9940 of 2008

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Hridaya Prasad son of late Praksh Mahto R/o Vill-Dumari, PO & PS Hisua,
Dist- Nawadah, at Present in the House of Sri Suresh Panjiyar, Azad Lane
Choudhary Tola, PO- Mahendru, PS Sultanganj, Distt-Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Cooperative Department,
Government of Bihar, Patna
2. Bihar State Cooperative Bank Ltd. Ashok Raj Patna, Patna through its
Managing Director
3. Board of Directors of the Bihar State Cooperative Bank Ltd. Patna
through its Chairman
4. Chairman, Bihar State Cooperative Bank Ltd. Patna.
5. Managing Director, Bihar State Cooperative Bank Ltd. Ashok Raj
Patha, Patna
6. Deputy General Manager Personnel and Administration Department,
Bihar State Cooperative Bank Ltd, Patna.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ram Janam Prasad

For the Respondent/s : Mr. Santosh Kumar Jha

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

5 22-04-2015 Learned counsel for the petitioner has pointed out that

there are certain typographical errors in the order dated 5.5.2014

which is under review.

The date of the order of this Court passed in CWJC
No.15007 of 2004 has wrongly been mentioned in paragraphs 2,3
and 11 of the said order. The correct date of the order passed in
CWJC No. 15007 of 2004 is “02.08.20078” and the same should
be read as the date of the said order in these paragraphs. He is also
correct that the date of the office order has wrongly been

mentioned as “02.08.2007” in paragraph 3 of the order, instead of “02.08.2007”, it should be read as “02.04.2008” in paragraph 3 of the order.

The word “anticipation” in last but one line of paragraph 10 has been typed as “acceptance” in place of “anticipation”. Let it be read as “anticipation” in paragraph 10 of the said order. I have made necessary correction in the order dated 5.5.2014.

The present review application has been filed seeking review of the said order dated 5.5.2014 on the ground that there is an error apparent on record.

My attention has been drawn to paragraph 13 of the order in order to submit that it has wrongly been mentioned that the petitioner would have superannuated from service with effect from 31.3.2005 whereas, according to him, the petitioner would have superannuated with effect from 31.5.2007 had he been in service as the age of superannuation was subsequently enhanced. While refusing the petitioner to grant him benefit of back wages, I had taken into account the fact that the age of superannuation prescribed on the admitted date of submission of petitioner’s resignation was 58 years and on that basis he would have retired on 31.3.2005. This is not in dispute that as on that date, the age of superannuation was 58 years. Therefore, it cannot be said that

there is any error of record in paragraph 13 of the order.

Learned counsel for the petitioner has further submitted that on the ground that there is no statement in the writ application that the petitioner gainfully employed elsewhere during the period he remained out of service, his payment of back wages could not have been denied.

Learned counsel for the petitioner has relied upon a Supreme Court judgment reported in *(2013) 10 SCC 324 (Deepali Gundu Surwase vs. Kranti Junior Adhyapak Mahavidyalaya and ors.)*. The said judgment was delivered in different context altogether. In the present case this is an admitted fact that the petitioner had submitted his resignation on 26.10.2004. The ratio of the said judgment of the Supreme Court is not applicable in the present facts and circumstances of the case.

This review application is accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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