

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.118 of 2015

In

Civil Writ Jurisdiction Case No. 830 of 1999

1. Kapil Deo Prasad Son of Late Shri Mahraj Prasad C/O Shri Maheshwar Prasad Sinha R/O Savitri Bhawan , Mohalla - Dujara Chak , District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner Cum- S3ecretary, Public Health Engineering Department , Government of Bihar , Patna.
3. The Chief Engineer (Mechanical) Public Health Engineering Department , Bihar Patna.
4. The Superintending Engineer Public Health Engineering Department , Mechanical Davison , Panta.
5. The Executive Engineeer , Public Health Engineering Department , Western Mechanical Division Patna.
6. The Sub-Divisional Officer , Public Health Engineering Department , Patna
7. The Special Officer , Public Health Engineering Department Bihar , Patna.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Bhubneshwar Prasad
For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

2 11-05-2016 The petitioner seeks review of the order, dated 23.03.2015, passed in CWJC No. 830 of 1999, whereby the application, under Article 226 of the Constitution of India, was dismissed in following terms:-

“This is the third consecutive occasion since 19.10.2011 when there is no representation on behalf of the petitioner.

In view of the nature of relief sought for by the petitioner, as mentioned in the writ application, it appears that with the lapse of time, this application has become infructuous and, therefore, the petitioner lost interest in the matter.

This writ application is, accordingly, dismissed."

Learned Counsel for the petitioner has submitted that it was merely because of the lapse on the part of the learned Counsel for the petitioner that the aforesaid order came to be passed. He has submitted that the relief sought for by the petitioner in the said application had not become infructuous as on the date of passing of the order, dated 23.03.2015. He has drawn my attention to a reasoned order, dated 16.10.2010, passed in compliance of the order of this Court, passed in CWJC No. 8017 of 2010, whereby application for grant of provisional pension has been made subject to the outcome of the said CWJC No. 830 of 1999.

Learned Counsel for the petitioner has accordingly submitted that it will cause great prejudice to the petitioner if the order, dated 23.03.2015, is not recalled and reviewed.

I find substance in the submission advanced on behalf of the petitioner. It was apparently because of the

non-representation on behalf of the petitioner that CWJC No. 830 of 1999 was dismissed, presuming that it must have become infructuous.

The said order, dated 23.03.2015, passed in CWJC No. 830 of 1999, is hereby recalled.

Let CWJC No. 830 of 1999 be placed under appropriate heading before an appropriate Bench.

This order is subject to payment of cost of Rs. 10,000/- by the petitioner in the account of Bihar State Legal Services Authority within a period of one month from today.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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