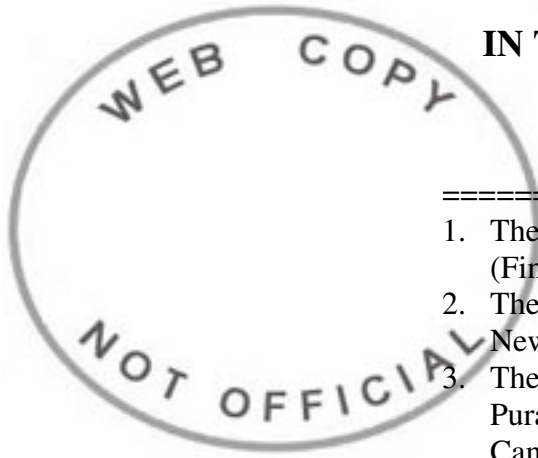




IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.89 of 2014
In
Civil Writ Jurisdiction Case No. 6012 of 2013

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1. The Union Of India Through The Secretary, Ministry Of Defence (Finance), New Delhi
 2. The Financial Advisor (Defence Services), Room No. 140, South Block, New Delhi- 110001
 3. The Controller General Of Defence Accounts, West Block- V.R.K. Puram, New Delhi- 110066 (Now At Ulan Batar Road, Palam, Delhi Cantt- 110010)
 4. The Deputy Controller General Of Defence Accounts (Admin), West Block- V.R.K. Puram, New Delhi- 110066 (Now At Ulan Bazar Road, Palam, Delhi Cantt- 110010)
 5. The Controller Of Defence Accounts, Rajendra Path, Patna- 19
 6. The Deputy Controller Of Defence Accounts (An), Office Of The Controller Of Defence Accounts, Rajendra Path, Patna- 19
 7. The Assistant Controller Of Defence Accounts (An), Office Of The Controller Of Defence Accounts, Rajendra Path, Patna- 19
 8. The Senior Accounts Officer (An), Office Of The Controller Of Defence Accounts, Rajendra Path, Patna- 19
 9. The Pay And Accounts Officer (Other Ranks) Bihar Regimental Centre, Danapur Cantt, Through Its Officer-In-Charge
 10. The Assistant Govt. Examiner Of Questioned Documents, Directorate Of Forensic Science, 30, Gorachand Road, Kolkata

.... Petitioner/s

Versus

1. Chandra Deo Singh, A/C No/ 8306845, Ex-Senior Auditor (At Present Under Compulsory Retirement), Office Of The Controller Of Defence Accounts, Rajendra Path, Patna S/O Late Shyam Lal Singh At Present Residing At House No. 142, Road No. 3a, Mohalla- Chitrakut Nagar, P.O. Digha, District- Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Asstt. Solicitor General)
For the Respondent/s : Mr. Pradip Kumar, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL ORDER
(Per: HONOURABLE THE CHIEF JUSTICE)

6 28-09-2016

With the help of this petition the review petitioners, who were respondents, in C.W.J.C. No. 6012 of 2013, have sought for review of the order, dated 03.01.2014, whereby the writ petition aforementioned was allowed.

Heard Mr. Sanjay Kumar, learned Assistant Solicitor General, appearing on behalf of the petitioners, and Mr. Pradip Kumar, learned Counsel, appearing on behalf of the respondent.

It has now been pointed out, on behalf of the review petitioners, that the writ petitioner, having been found guilty of misconduct, was visited, vide order, dated 29.08.2005, by penalty of compulsory retirement from service, with effect from 01.09.2005 and 5 per cent reduction from pension.

Against the order of penalty, dated 29.08.2005, the writ petitioner preferred an appeal, which came to be dismissed by order, dated 27.06.2006, but the order, dated 27.06.2006, has been set aside by this Court's order, dated 03.01.2014, aforementioned; whereas the order, dated 29.08.2005, aforementioned, whereby the penalty was imposed, has remained intact and, therefore, the direction, given by this Court of



reinstating the petitioner in service, would be contrary to the record.

There is no dispute before us that the order, dated 29.08.2005, till date remains intact and, in the appeal, which was preferred by the writ petitioner against the order, dated 03.01.2014, aforementioned, an order has already been passed dismissing the appeal and the same has been impugned by the writ petitioner in O.A. No. 909 of 2014, which is presently pending in the Central Administrative Tribunal, Patna.

Apart from the fact that the submissions, noted above, have not been disputed by Mr. Pradip Kumar, learned Counsel for the writ petitioner-respondent, we find considerable force in the submissions made, on behalf of the review petitioners, that the order, dated 29.08.2005, has remained intact and there could not have been any order of reinstatement of the writ petitioner-appellant.

We, therefore, modify the order, dated 03.01.2014, aforementioned by making it clear that notwithstanding the fact that the impugned order, dated 27.06.2006, has been set aside, the review petitioners are not legally bound to reinstate the

respondent, who had been visited by the order of penalty, dated 29.08.2005, aforementioned.

With the above observations, corrections and modifications in the order, dated 03.01.2014, this review petition shall stand disposed of.

There shall be no order as to costs.

(I.A. Ansari,CJ)

(Samarendra Pratap Singh, J)

K.C.jha/-

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