

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.435 of 2014

IN

Civil Writ Jurisdiction Case No. 4021 of 2005

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Shyam Babu Gupta, S/o Narayan Lal Gupta, resident of L-1/52 Srikrishnapuri,
P.S- Srikrishnapuri, District- Patna.

.... Petitioner/s

Versus

1. The Hindustan Fertilizer Corporation Ltd through its Chairman -cum- Managing Director, Shashtri Bhawan, New Delhi.
2. The Officer on Special Duty, Hindustan Fertilizer Corporation Ltd. Noida, New Delhi.
3. Incharge General Manager, Hindustan Fertilizer Corporation Ltd. Barauni Unit, P.O- Barauni, Urbarak Nagar, Begusarai-851115.
4. The Chief Engineer (Mechanical) Hindustan Fertilizer Corporation Ltd. Barauni, Unit -cum- Chairman Fertilizer Employees Consumers Co-operative Stores Ltd. Urbarak Nagar Barauni.
5. The Account Officers (Wages) Hindustan Fertilizer Corporation Ltd. Barauni Unit, Urbarak Nagar, Barauni- 851115.
6. The Personnel Officer, Hindustan Fertilizer Corporation Ltd, Barauni Unit, P.O. Barauni, Urbarak Nagar, Barauni.
7. The State of Bihar through its Secretary -cum- Commissioner Co-operative Department, Bihar. Patna.
8. The Joint Registrar, Cooperative Society, Bhagalpur cum Munger Division, Bhagalpur,
9. The District -Cooperative Officer, Begusarai.
10. The Assistant Registrar Cooperative Society Begusarai Circle, Begusarai.
11. Sri Kamdeo Singh Singh, (now deceased) Block Cooperative Extension Officer, Barauni, -cum- Administrator Ltd. P.O. Barauni, Urbarak Nagar, Begusarai-851115.
12. The District Audit Officer, Begusarai, Circle, Govt of Bihar , Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Aditya Narayan Singh-1

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 13-04-2016

Heard Mr. Aditya Narayan Singh, learned counsel

appearing for the petitioner and perused the records.

This civil review application has been filed seeking a



modification/clarification in the order dated 11.2.2010 passed in CWJC No.4021 of 2005 which was disposed of with a direction to the respondent authorities to make payment of the admissible dues to the petitioner including ex-gratia/compensation amount within three months from the date of receipt/production of a copy of the said order. By the same order the respondents were also granted liberty to take steps for recovery in the event any amount is found outstanding against the petitioner.

Upon disposal of the writ petition the petitioner raised his claim before the Managing Director of the respondent-Corporation together with interest. It is undisputed that the admissible amount has been paid to the petitioner vide the calculation chart present at Annexure-4 to this application which is to the tune of Rs.2,85,741/-. The petitioner now claims interest over the said amount.

The petitioner has filed an application for payment of ex-gratia/compensation amount vide representation dated 16.4.2010 and which is stated to have been disposed of but the copy of disposal is not on record. The petitioner filed a second writ petition bearing CWJC No.15719 of 2010 seeking a modification of the order passed in CWJC No.4021 of 2005 for payment of interest and which was accordingly allowed to be withdrawn for filing the

present modification application.

It is the argument of Mr. Aditya Narayan Singh, learned counsel appearing for the petitioner that the petitioner while seeking relief in the earlier round of litigation, had also sought a direction to the respondents to make payment of admissible dues together with interest and although this Court issued appropriate direction for payment of admissible dues but issued no direction for payment of interest and hence the present modification application.

I have heard Mr. Singh, learned counsel appearing for the petitioner and I have perused the records.

The operative portion of the order passed by this Court in CWJC No.4021 2005 is self-explanatory as to why this Court was not persuaded to grant interest to the petitioner even while directing the respondents to make payment of the admissible dues which has admittedly been paid to the petitioner as is manifest from Annexure-4. The order records a contest in between the petitioner as well as the Corporation with each raising claims against the other and while the petitioner claimed for payment of dues, it is the stand of the respondent-Corporation that there were certain outstanding against the petitioner. Annexure-4 substantiates this position that against the amount payable to the petitioner to the tune of Rs.2,95,727/- there was outstanding dues of Rs.9,986/- against the

petitioner and after adjusting this amount, the balance has been paid to him.

Since this Court was not persuaded to grant interest to the petitioner in the previous round of litigation any attempt by the petitioner to seek relief of interest would amount to re-hearing of the writ petition and which is impermissible in a review jurisdiction. No cause of indulgence is made out. This review application is accordingly disposed of.

(Jyoti Saran, J)

SKPathak/-

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CAV DATE	
Uploading Date	
Transmission Date	