

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.364 of 2011

IN

Civil Writ Jurisdiction Case No. 3205 of 2006

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Bachchi Devi, W/o –Late Raghubir Pd., resident of village-Sri Rampur, Post office-Sri Rampur, P.S.- Sherghati, District- Gaya

.... Petitioner/s

Versus

1. The Union of India through the Zonal Manager (East) Food Corporation of India, Zonal Office (East), 10A. Middleton Row, Kolkata-71.
2. The Zonal Manager (East) Food Corporation of India, Zonal Office (East), 10A, Middleton Row, Kolkata-71
3. the Senior Regional Manager, Food Corporation of India, Arunchal Building IIIrd Floor, Exhibition Road, Patna.
4. The District Manger, Food Corporation of India, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kr. Karna, Advocate

For the Respondent/s : Mr. Prashar Tekriwal, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 21-09-2016

The petitioner seeks review/recall of the order, dated 11.05.2011 passed in C.W.J.C. No. 3205 of 2006, which reads thus:

"Upon hearing the learned counsel for the petitioner and the respondents, the petition is disposed of with the direction that undisputed amount shall be paid within a period of one month, if has not already been paid and if there is any dispute, the same shall be settled within a period of three months and the retiral dues along with other undisputed dues including arrears of salary shall be paid within a period of four months in accordance with law from the date of receipt/production of a copy of this order.

With regard to the liability, the respondents shall decide as to which Department shall pay.

If order is not complied, contempt shall be drawn against the respondents.

Accordingly, writ petition is disposed of.

(Prakash Chandra Verma, J.)”

The ground, which the petitioner has taken for review of the order, is that it suffers from apparent error of record, which needs to be corrected in the ends of justice.

It is submitted on behalf of the petitioner that the directions issued in the judgment and order under review has no bearing or connection with the relief sought for in the writ application for the pleadings made therein.

Following was the relief sought for by the petitioner in C.W.J.C. No. 3205 of 2006:-

“I. For quashing the letter-dated 26.08.04 by which the Respondent Regional Director (Food) FCI rejected the claim for Central Government Terminal benefits on the ground that the Petitioner did not exercise option in favour of either Central Government Terminal Benefit or FCI Terminal benefits even the documents demonstrates that the Petitioner was admitted for the Central Government

Terminal Benefit as evident from opening of G.P.F. account followed by deduction and deposit and sanction of loan of Rs. 1250/- for the G.P.F. etc. which conclusively demonstrate that the Petitioner was always treated as optee for Central Government Terminal Benefit for which the G.P.F. account from the food and Agriculture department was transferred to F.C.I.

II. The Petitioner has prayed a direction to the Respondent to treat his service since 20.01.1962 and as such fix the Pension, Gratuity, Leave encashment and Group Insurance. ”

I have heard learned counsel appearing on behalf of the petitioner and learned Senior Counsel appearing on behalf of the Corporation. I find substance in the submissions made on behalf of the petitioner that the judgment and order under review suffers from error apparent on record inasmuch as relief sought for in the writ application and, grounds taken therein as well as the pleadings on record have remained unnoticed.

Considering the submissions as above, this application is allowed.

The order dated 11.05.2011 passed in C.W.J.C. 3205 of

2006 is recalled.

Let C.W.J.C. 3205 of 2006 be placed under the appropriate heading before the appropriate Bench.

(Chakradhari Sharan Singh, J)

Vats/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	23.09.2016
Transmission Date	23.09.2016