

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.494 of 2012

Arising out of

Civil Writ Jurisdiction Case No. 4877 of 2010

Along with

Interlocutory Application No. 5511 of 2015

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Jawahar Mandal, S/o Late Pratap Nawal R/o Village Mangara, P.S. Dharhara,
District Munger.

.... Petitioner

Versus

1. The Union of India through its Secretary, Railway Department, New Delhi.
2. The General Manager, Eastern Railway, Jamalpur.
3. The Civil Works Manager, Eastern Railway, Jamalpur.
4. The Assistant Works Manager (D&C), Eastern Railway, Jamalpur.
5. The Deputy Chief Mechanical Engineer (D), Jamalpur.
6. The Workshop Personnel Officer, Eastern Railway, Jamalpur.
7. The Confidential Assistant, Eastern Railway, Jamalpur.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Anjan Singh, Advocate.

For the Respondent/s :

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 07-12-2016

Re.: I.A. No. 5511 of 2015

The present application is for substitution of the deceased petitioner who died on 25.05.2015. The application is on behalf of his daughter-in-law, namely, Madhuri Devi as his son has pre-deceased the original petitioner.

In view of the averments made in the application, the interlocutory application is allowed and the applicant is ordered to be substituted as legal heir of the deceased petitioner.

Re.: Civil Review No. 494 of 2012

The petitioner has sought review of the order passed by the Division Bench of this Court on 29th of March, 2010 whereby, the



writ application filed by the original petitioner was dismissed for the reason that he was never a student of R.B. High School, Jamalpur.

Before the Central Administrative Tribunal, the challenge on behalf of the original petitioner was to the disciplinary proceedings which led to punishment of removal from service on 14.03.2001. Such order was affirmed in appeal on 15.06.2001 and in revision on 24.09.2001. The challenge to such orders remained unsuccessful before the Central Administrative Tribunal, wherein the Tribunal has examined the respective contentions of the parties. The Tribunal held that the stand of the original petitioner never in defense that he was student of R.B. High School, Jamalpur and he studied there up to Class 10. Such finding was affirmed by the learned Single Bench which finding was not interfered with in the Letters Patent Appeal. The findings recorded by the Tribunal as affirmed by the learned Single Bench are findings of fact.

We do not find any error apparent on record which may warrant review of the order passed by the Division Bench. The review application is, thus, dismissed.

(Hemant Gupta, ACJ)

(Kishore Kumar Mandal, J)

Mishra

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	16.12.2016
Transmission Date	

