

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14257 of 2017

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1. The Union Of India through the Chairman, Railway Board, Rail Bhawan, New Delhi.
 2. The General Manager, E.C. Railway, Hajipur.
 3. The General Manager (Personnel), E.C. Railway, Hajipur.
 4. The Dy. C.P.O. (Gaz.) E.C. Railway, Hajipur.
 5. The Sr. D.P.O., E.C. Railway, Samastipur. null
 6. The A.P.O., E.C. Railway, Samastipur.

.... Petitioners

Versus

Dr. Mrs. Monika Singh, W/o Dr. D.S. Singh, Permanent resident of Village-Korhar, P.O. + P.S.- Bihta, District- Patna presently resident of Opposite Tirhut Academy School, Kashipur, Samastipur.

.... Respondent

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Appearance :

For the Petitioner/s : Mr. D.K. Sinha, Sr. Advocate
Dr. Anshuman, Advocate
For the Respondent/s : Mr. Gautam Bose, Sr. Advocate
Mr. Ajay Kumar, Advocate
Mr. Vikash Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

And

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 18-12-2017

Heard learned senior counsel for the petitioners –
Railway and learned senior counsel for the private respondent.

The Tribunal has refused to entertain the review
application for the reasons provided in paragraph Nos. 7 & 8,
which reads as such:

*“7. It is evident that it is not the case of any
apparent error on the face of the record. It is
well settled law that the scope of review is
limited to correct self-evident error. What the*



Railways are seeking is readjudication of the matter and changing the finding of the Tribunal earlier. The question to be addressed is whether the Hon'ble High Court's order dated 19.2.2014 gives the liberty to readjudicate the case and change the finding. My view is that it is not so. The Railways were the writ applicants. They themselves withdrew the writ and liberty was granted to them to withdraw it. Had it been remanded by the Hon'ble High Court after hearing the issue to the Tribunal for rehearing that would have give the scope for readjudication.

8. Even if I stretch to presume that the Hon'ble High Court by its order dated 19.02.2014 has given me an authority to rehear the case, I am not inclined to do so for the reason that the matter is really trivial. There was indeed an order not to take coercive step against the applicant. After a few months the said transfer order was quashed and set aside. Allowing salary for this interregnum does not involve any major policy issue, it has no wide implication, and in essence the authorities have wasted much more public money in litigation than the amount involved in the question."



No other exercise was possible for the Tribunal to embark upon in a review application. The dismissal of the review application was warranted for the reasons which have been reproduced in earlier part of the order.

The Court has been informed that the order of the Tribunal has also been complied and payment for the period of three months which is the bone of contention no longer remains.

The writ application is dismissed.

(Ajay Kumar Tripathi, J.)

Rajeev/-

(Rajeev Ranjan Prasad, J.)

AFR/NAFR	NAFR
CA V DATE	NA
Uploading Date	19.12.2017
Transmission Date	NA

