

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Civil Review No.361 of 2016
Arising out of
L.P.A. No. 1566 of 2015**

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Bimli Devi, W/o Late Sushil Paswan, Resident of Village- Nagma @ Nagwa, P.O.
Damodarpur Baldha, Block and P.S.- Nagarnausa, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Public Works Department, Building Construction Department,
Bishwasaraiya Bhawan, Bihar, Patna.
3. The Chief Engineer, Dakshni Upbhag Building Construction Department,
Bihar, Patna.
4. The Superintending Engineer, P.W.D. Building Circle, Gaya.
5. The Executive Engineer, P.W.D. Building Division, Gaya.
6. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Advocate

For the Respondent/s : Mr. Anil Kumar Singh, G.P. 26

Mr. Nawal Kishore Singh, A.C. to G.P.26

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 18-01-2017

Re.:I.A. No. 10057 of 2016

The application is for condonation of delay of 7 month 1
day in filing the Review Application.



2. For the reasons mentioned in the Interlocutory Application, we are satisfied that the petitioner has shown sufficient cause to seek condonation of delay of 7 month 1 day in filing the present Review Application.

3. Consequently, Interlocutory Application No. 10057 of 2016 is allowed and delay of 7 month 1 day in filing the Review Application is condoned.

Re.: Civil Review No. 361 of 2016

The present is an application for review of the order passed by a Division Bench of this Court on 24th of November, 2015 in L.P.A. No. 1566 of 2015.

2. The argument of the petitioner is that a Division Bench of this Court in C.W.J.C. No. 21724 of 2012 (Saraswati Devi Vs. The State of Bihar & Ors.) has taken a view that Family Pension is payable to a work charged employee. Therefore, the judgment of this Court is contrary to earlier Division Bench, which is binding on the later Division Bench. Thus, the order suffers from error apparent on record.

3. We do not find any merit in the said argument as the order of the Court is based upon Supreme Court judgment reported as Uttar Haryana Bijli Vitran Nigam Ltd. and others Vs. Surji Devi, (2008) 2 SCC 310 wherein, it has been held that Family Pension is not



payable to an employee who was working on work charge basis and whose services have not been regularized.

4. In view of the said fact, we do not find any error apparent on record which may warrant review of the order.

5. The Review Application is, thus, dismissed.

(Hemant Gupta, ACJ)

(Chakradhari Sharan Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	23.01.2017
Transmission Date	

