

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.39 of 2014

IN

Civil Writ Jurisdiction Case No. 10655 of 2006

- =====
1. Bihar State Land Development Bank Ltd. presently know as Multi Star Co - Operative Land Development Bank Limited, Bihar Jharkhand, Budh Marg, Patna through its Chairman
 2. The Managing Director, Bihar State Land Development Bank presently known as Multi State Cooperative Corporative Land Development Bank Ltd., Bihar Jharkhand Budh Marg, Patna
 3. The Secretary, Bihar State Land Development Bank presently known as Multi State Cooperative Corporative Land Development Bank Ltd., Bihar Jharkhand Budh Marg, Patna
 4. The Director Personnel, Finance presently there is no Deputy Managing Director, Finance, Budh Marg, Patna

.... Petitioner/s

Versus

Madan Mohan Prasad Singh, Son of Late Baleshwar Prasad Singh, resident of Village - Bari Bazar (Laxman Bhawan), P.O. Munger, P.S. Kotwali, District - Munger

.... Respondent

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Prasad Choudhary, Advocate

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 16-08-2017

By this application under Article 226 of the Constitution of India read with Order 47, Rule 1 of the Code of Civil Procedure, the petitioners (respondents in writ petition) seek review of the order



dated 26.08.2013 passed in CWJC No. 10655 of 2006 by this Court whereby the writ petition filed by opposite party has been allowed directing the petitioners to pay all the admissible retiral dues including gratuity, leave encashment, arrears of salary accruing on account of first time bound promotion from 01.04.1981 to 30.06.1995 amounting to Rs.61,542/- as well as other arrears under the same heading within a period of four months from the date of receipt of a copy of this order, if not already paid.

2. It is not in dispute that opposite party (petitioner in the writ petition) retired from the post of Branch Manager, Bihar State Co-operative Land Development Bank, Munger on 31.07.2005. It is also not in dispute that he is entitled to receive payment of retiral dues and other admissible dues for which a direction has been issued by this Court vide order dated 26.08.2013 to the petitioners (respondents in the writ petition) to make payment within four months.

3. The contention of the petitioners is that the order needs to be reviewed in the light of the order dated 10.07.2013 passed in CWJC No. 14799 of 2012 and analogous cases (Kamla Prasad Sharma vs. the State of Bihar & Ors. and analogous cases) whereby a direction has been given to make payment of retiral dues to the employees of the Bank in chronological order of seniority from the



date of retirement. It has been contended by the learned counsel for the petitioners that the opposite party has retired on 31.07.2005 and if payment is to be made in chronological order of seniority, the opposite party would not be entitled to receive the payment of admissible dues within the period prescribed in order dated 26.08.2013 passed in CWJC No. 10655 of 2006.

4. I have heard learned counsel for the petitioners and perused the record.

5. The review application is totally misconceived. It is well settled that the review application cannot be equated with the original hearing of the case. A party is not entitled to seek review of the judgment and order merely for the purpose of rehearing and fresh decision of the case. Review of an order cannot be done, unless the Court is satisfied that material error, manifest on the face of the order, undermines its soundness or result in miscarriage of justice.

6. In my considered opinion, the order passed in CWJC No. 14799 of 2012 (supra) is of no consequence so far as the present case is concerned. The petitioners cannot take shelter of an order of this Court passed in some other case in which the opposite party was not even a party for review of the order by which admitted retiral dues has been directed to be paid to a retired employee.

7. The petitioners have failed to establish that there was



error or mistake apparent on the face of the record or there was such other material available with the petitioners, which if not taken under consideration, would cause miscarriage of justice.

8. In view of the above discussions, the present review application is dismissed.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.08.2017
Transmission Date	NA

