

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.463 of 2016

Arising out of

Letters Patent Appeal No. 1049 of 2015

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Dharm Nath Singh, son of late Sheo Lakhan Singh, resident of Village and P.O.- Shobha Chapra, P.S. Bairia, District-Balia(U.P.), at present resident of Mohalla-Ram Lila Mathiyan, Daroga Rai Chowk, P.O. Chapra, P.S.Bhagwan Bazar, District –Saran, retired as Assistant, Civil Court, Madhepura (Bihar)

.... Petitioner/Appellant/Petitioner

Versus

1. The State of Bihar through Secretary, Law Department, Government of Bihar, Patna.
2. The District and Sessions Judge, Madhepura at, P.O. and P.S.- Madhepura.
3. The Registrar, Civil Court, Madhepura At, P.O. and P.S. Madhepura, District-Madhepura.

.... Respondents/ Respondents/ Opposite parties.

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Appearance :

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

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL)

Date: 26-04-2017

We have heard Mr. Anil Kumar Mukund in support of the review application which seeks review of the order dated 21.09.2016 passed in L.P.A. No. 1049 of 2015. Aggrieved by the order passed by the learned writ Court, the review petitioner filed an appeal wherein the prayer for grant of provisional gratuity was declined considering the law laid down by a Division Bench of this Court.

2. Learned counsel for the petitioner submits that when the Bihar Pension Rules provides that pension includes gratuity there



was no good reason for non payment of the gratuity amount even on provisional basis in favour of the petitioner. When queried, the counsel for the review petitioner has shown his inability to differentiate the case of the petitioner from the judgment on which the writ appeal Court relied to decline the relief. That apart, in our view, what the review petitioner wants is a re-hearing of his case on merit which, considering the narrow confines of the jurisdiction, cannot be granted.

3. For the reasons aforesaid, we do not find any merit in this application. It is, accordingly, dismissed.

(Kishore Kumar Mandal, J.)

(Ahsanuddin Amanullah, J.)

Shyam/-

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