

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.137 of 2017

In

Civil Writ Jurisdiction Case No.2334 of 2014

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Sarita Rani, wife of late Shiv Shankar Yadav, resident of Mohalla- Professor
Colony Ram Bagh, Purnea District- Purnea

... .. Petitioner/s

Versus

1. The Union of India, through the D.G. cum Secretary Department of Posts,
Dak Bhawan, New Delhi
2. The Chief Post Master General, Bihar Circle, Patna
3. The Director Account (Postal), GPO Complex, Patna
4. The Post master General, Northern Region, Muzaffarpur
5. The Director of Post Services, Northern Region, Muzaffarpur
6. The Superintendent of Post Officer, Begusarai, Division, Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amit Shrivastava, Advocate Mr. Asif Kalim, Advocate
For the Respondent/s	:	Mr. Girish Pandey, Advocate Mr. Anjani Kumar Sharan, Asst. S.G.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 30-10-2017

Having heard learned counsel for the parties we find that while rejecting the prayer made by the petitioner on 25.02.2016 in C.W.J.C. No. 2334 of 2014 and while confirming an order passed by the Central Administrative Tribunal, Patna Bench, Patna on 13th of September, 2012, a question of law which has much bearing on the right of the applicant with regard to restraining recovery of the amount, if any, in view of the law laid down in the case of **State of Punjab and others**



Vs. Rafiq Masih (White washer)- (2015) 4 SCC 334 and various other judgments with regard to right to restrain recovery from gratuity and other pensionary dues has not been considered.

As the applicant is a widowed lady and this legal aspect of the matter has not been considered while disposing of the writ petition, we deem it appropriate to allow this application, recall the order dated 25.02.2016 passed in C.W.J.C. No. 2334 of 2014 and direct for listing of C.W.J.C. No. 2334 of 2014 before the appropriate Bench for reconsideration.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	01.11.2017
Transmission Date	

