

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.394 of 2017

In

Letters Patent Appeal No.1610 of 2016

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1. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Arwal.
 2. The Chairman, Zila Parishad, Arwal.

... .. Petitioner/s

Versus

1. Md. Azam, son of Late Aboo Md. resident of Village - Pijranwan, P.S. - Kurtha, District - Arwal.
2. The State of Bihar.
3. The Commissioner-cum-Secretary, Rural Development Department, Govt. of Bihar, Patna.
4. The Director, Panchayati Raj, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s :

For the Respondent/s :

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-04-2018

Having heard learned counsel for the parties, we
propose to deal with the Review Application on merit.



Inter alia contending that in the writ petition in question, Annexure-8, an offer made to the petitioner, has not been considered and while disposing of L.P.A. No. 1610 of 2016 on 23.08.2017 this question was not taken note of, the Review Application has been filed.

On going through the order passed in the writ petition, we find that the writ petition was filed on 15.05.2007 and inspite of notice till dismissal of the writ petition on 06.02.2015 no counter affidavit was filed and the fact of issuance of Annexure-8 was not brought to the notice of the Court. Thereafter, challenging the dismissal of the writ petition the L.P.A. in question bearing no. 1610 of 2016 was filed on 10th of August, 2016. Notices were issued to the respondents and in the L.P.A. also no counter affidavit was filed and the said document Annexure-8 was never brought to the notice of this Court.

That being so, while deciding L.P.A. No. 1610 of 2016 on 23.08.2017 this Court found that a Single Bench of this Court in various cases including the case of Bihar Rajya Zila Parishad Karmchari Mahasangh and Anr. Vs. State of Bihar & Ors. had held that the age of retirement of employees of the Zila Parishad would be 60 years, it has been enhanced from 58 years



and finding that dismissal of the writ petition without taking note of this legal provision was not sustainable. The L.P.A. was allowed, the order passed in the writ petition quashed and the writ petition allowed, direction was issued that the petitioner be treated to have retired on attaining the age of 60 years and all his pensionary benefits settled.

Now, in this Review Application it is stated that in the year 2007 vide Annexure-8 petitioner was directed to join duties but as he did not join duties, therefore, the relief should not be granted to him.

Apart from the fact that right from 2007 and till decision of the L.P.A. by this Court on 23.08.2017 these facts were never brought to the notice of this Court, the so-called order Annexure-8 available on record is an office copy of a communication dated 25.05.2007 issued by the Deputy Development Commissioner. If such an order was available on record since 25.05.2007 and when the matter was pending since 2007, if the respondents failed to bring it to the notice of this Court even when the L.P.A. was pending, now this fact has been brought on record for the first time in this Review Application, when it was not brought to the notice of the Writ Court or before the Division Bench, on this ground, we see no reason to



review/recall the order. Accordingly, finding no ground, the Review Application stands dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	18.04.2018
Transmission Date	

