

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.209 of 2017

In
Civil Writ Jurisdiction Case No.19664 of 2015

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1. The Union of India through the General Manager, East Central Railway, Hajipur, Vaishali.
 2. The General Manager (Personnel)/ Chief Personnel Officer, East Central Railway, Hajipur, Vaishali.
 3. The Divisional Railway Manager, East Central Railway, Mughalsarai.
 4. The Divisional Railway Manager Personnel/Senior Divisional Personnel Officer, East Central Railway, Mughalsarai Division
 5. The Senior Divisional Engineer (Co-ordination), Mughalsarai Division, Mughalsarai.
 6. The Divisional Mechanical Engineer (Power), Mughalsarai Division, East Central Railway, Mughalsarai.

... .. Petitioner/s

Versus

1. Anuradha Devi, widow of Late Krishna Kant Kumar Bharti,
2. Ravi Ranjan Bharti
3. Manoj Kumar Bharti
4. Satish Chandra Bharti
5. Suman Kumar Bharti
6. Subodh Kumar Bharti

All. Sl. No. (ii) to (vi) are sons of late Krishna Kant Kumar Bharti.

7. Isha Kumari, Daughter of Late Krishna Kant Kumar Bharti.

All the above are residents of Railway Quarter No. 361/A, Type - II, Loco Colony, Gaya, PO Gaya, RS, P.S. - Delha, District - Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. D.K.Sinha, Sr. Advocate.

For the Opposite Party/s : Mr. S.Azeem, Advocate.
Mr. Sanjay Kumar Sharma, Advocate.



CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 29-11-2019

Heard Mr. D.K. Sinha, the learned senior counsel for the petitioners and the learned counsel appearing on behalf of the opposite party. The petitioners have filed this civil review petition against the judgment and order dated 20.12.2016 passed by a Division Bench of this Court in CWJC No.19664 of 2015 and its analogous cases by which the learned Division Bench of this Court dismissed the writ petition preferred by the petitioners against the order passed by the Central Administrative Tribunal, Patna Bench, Patna in different O.As. by which order for realization of penal rent of the running staffs retaining quarters at different places were set aside.

Mr. D.K. Sinha, the learned senior counsel for the petitioners submits that on the basis of Circular No. E/Rent/16/TE/89 dated 03.12.1990, the respondent retained quarter at Gaya even after being transferred from there but PBENo.136/2000 dated 18.07.2000 speaks about the power of relaxation to the authority in certain circumstances. Mr. D.K.Sinha, the learned senior counsel for the petitioners further placed his reliance on Letter No. E(G)99 QR1-16 dated



16.03.2004 which speaks about the powers to relax the retention in the event of transfer, deputation and retirement by an employee but it appears that the railway did not produce Annexures P/3 and P/4 either before the Central Administrative Tribunal or before the learned Division Bench of this Court. In the review petition such letters could not be looked into which were not brought either before the Central Administrative Tribunal or before the learned Division Bench of this Court.

Thus, we find no apparent error on the face of the order dated 20.12.2016.

We do not find any reason to interfere with the well considered judgment rendered by a co-ordinate Bench of this Court. In our considered view, there is neither any mistake nor error apparent on the face of record or sufficient reason so as to take in its sweep, a ground analogous to those specified in the statutory provisions. There is no material error, manifest on the fact of the order, undermining its soundness or resulting into miscarriage of justice. Review is not an appeal in disguise entitling the party to be reheard, simply because the party wants a decision to be otherwise.

Keeping in view the principles laid down in ***Kamlesh Verma versus Mayawati and Others, (2013) 8 SCC 320***, present



petition, being devoid of merit, is dismissed.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

sujiit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

