

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.210 of 2017

In
Civil Writ Jurisdiction Case No.20554 of 2014

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1. The Union of India through the General Manager, East Central Railway, Hajipur, Vaishali.
 2. General Manager (Personnel)/Chief Personnel Officer, East Central Railway, Hajipur, Vaishali.
 3. Divisional Railway Manager, Mughalsarai Division, East Central Railway, Mughalsarai.
 4. Divisional Railway Manager (Personnel)/ Senior Divisional Personnel Officer, Mughalsarai Division, East Central Railway, Mughalsarai.
 5. Senior Divisional Engineer (Co-ordination), Mughalsarai Division, East Central Railway, Mughalsarai.
 6. Senior Divisional Mechanical Engineer, Mughalsarai Division, East Central Railway, Mughalsarai.
 7. Chief Crew Controller (Diesel), East Central Railway, Gaya.
 8. Chief Crew Controller (Diesel), East Central Railway, Mughalsarai.
 9. Office Superintendent, Pay Bill Section, East Central Railway, Mughalsarai.

... .. Petitioners

Versus

Laxman Prasad Son of Late Ram Deo resident of Railway Quarter No. 501/D at Loco Colony, Bageshwari, Gaya, P.O. - Gaya, P.S. Delha, District - Gaya.

... .. Respondent... ..Opposite Party

Appearance :

For the Petitioners (Railway)	:	Mr. D.K. Sinha, Senior Advocate Mr. Bijoy Kumar Sinha, Advocate
For the Respondent/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA)

8 09-01-2019 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 PBE No.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. Accordingly, this civil review petition is dismissed as devoid of any merit.

(Prabhat Kumar Jha, J)

(Sudhir Singh, J)

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