

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.279 of 2018

In
Civil Writ Jurisdiction Case No.484 of 2016

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Ali Imam S/o Late Saiyal Abdul Waheed, Resident of Akbar House,
Dariyapur Road, Sabzibagh, P.S. Pirbahore, Distt-Patna.

... .. Appellant

Versus

1. The State of Bihar through The Commissioner Cum Secretary, Human Resources Development, Patna.
2. The Director, Research and Training, Human Resources Development Department, Govt. of Bihar, Patna.
3. The Director, Administration-cum-Deputy Secretary, Human Resources Development department, Govt. of
4. The Commissioner-Cum-Secretary, Department of Finance, Govt. of Bihar, Patna.
5. The Accountant general of Bihar, Patna.
6. The Deputy Secretary Human Resources Development Department, Govt. of Bihar, Patna.

... .. Respondents

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Appearance :

For the Appellant/s : Mr.Rajeev Kumar Singh, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 01-05-2019 Heard learned counsel for the appellant.

This appeal has been preferred only challenging the judgment of the learned Single Judge dated 25.01.2018 passed in Civil Review No. 484 of 2016 arising out of C.W.J.C. No. 16541 of 2009.

The background in which this appeal has been filed appears to be that the appellant was claiming pensionary



benefits. He was working as Assistant Director, Training in 'Deepayatan' since 1982 which was an organization stated to be receiving funds from the Central as well as the State Government but it was otherwise a voluntary institution.

In the year 1992 an advertisement was issued by the Human Resources Department, Government of Bihar from eligible candidates for being appointed on the post of Principal of District Institutes of Education and Training (for short 'DIET') on deputation. The appellant came to be appointed as such. It is stated that the appellant was entitled to pensionary benefits keeping in view his almost 14 years of service being extended from time to time and otherwise also keeping in view the fact that he attained the age of superannuation on 31st of December, 2007 having become sixty years of age on pay-scale that was being drawn by him at the time of his retirement.

The appellant had earlier filed a representation seeking such benefits and on non-consideration of the same, he filed C.W.J.C. No. 4332 of 2009 which was disposed of with a direction to decide his representation. The same was rejected on 9th June, 2009 and accordingly, the appellant came up with C.W.J.C. No. 16541 of 2009. The same was also dismissed and as a matter of fact the appellant took permission to file a review



petition in the Letters Patent Appeal being L.P.A. No. 123 of 2016 that was filed against the said judgment, accordingly, the review application came to be filed which has now been dismissed by the impugned order.

We have considered the submissions raised and what we find, once C.W.J.C. No. 16541 of 2009 was dismissed then the said judgment has become final and even if a permission for filing the review was taken by the appellant, the same does not take away the impact of the judgment which still holds the field, the appellant does not have appeared to question the correctness of the judgment of the learned Single Judge in C.W.J.C. No. 16541 of 2009 and it is only the review order which has been challenged.

In the given circumstances and the facts aforesaid, we do not find this Letters Patent Appeal maintainable against the rejection of the review application.

In the background above, the appeal is misconceived and accordingly, rejected.

(Amreshwar Pratap Sahi, CJ)

(Rajeev Ranjan Prasad, J)

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