

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.208 of 2017

In
Civil Writ Jurisdiction Case No.20492 of 2014

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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, Mughalsarai Division, East Central Railway, Mughalsarai.
 5. The Senior Divisional Engineer (Co-ordination), Mughalsarai Division, East Central Railway, Mughalsarai.
 6. The Senior Divisional Mechanical Engineer, Mughalsarai Division, East Central Railway, Mughalsarai.
 7. The Senior Section Engineer (Loco), East Central Railway, Gaya.
 8. The Chief Crew Controller (Diesel), East Central Railway, Mughalsarai.
 9. The Office Superintendent, Pay Bill Section, East Central Railway, Mughalsarai.

... .. Petitioners

Versus

Guru Dayal Munda S/o Late Jitan Munda R/o Village - Taranpur, P.O. Mughalsarai, P.S. Aliganj, District - Chandauli.

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

Appearance :

For the Petitioner (Railway)	:	Mr. D.K. Sinha, Senior Advocate
		Mr. Bijoy Kumar Sinha, Advocate
For the Opposite Party	:	Mr. Mrigank Mauli, Advocate

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 Mr. Mrigank Mauli, 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 Mughalsarai 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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