

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.127 of 2021

In
Civil Writ Jurisdiction Case No.14322 of 2019

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Sujit Kumar Roy, S/o Late Ramesh Chandra, aged about 62 years, Male, R/o-
Mohalla - Vivek Vihar Colony, Road no.1, Hanuman Nagar, P.S.- Patrakar
Nagar, District-Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. Principal Secretary, Labour Resource Department, Govt. of Bihar, Patna.
4. The Labour Commissioner, Labour Resource Department, Govt. of Bihar, Patna.
5. The Deputy Secretary, Labour Resource Department, Govt. of Bihar, Patna.
6. The Director, General Provident Fund, Bihar, Patna.
7. The Treasury Officer, Vikash Bhawan, Government of Bihar, Patna.
8. The Accountant General, Bihar.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Aryan Sinha, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Rastogi, AAG- 10

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 08-09-2021 The matter has been taken up for hearing on-line
because of COVID-19 Pandemic restrictions.

2. Heard learned counsel appearing for the parties.

3. The petitioner is seeking review of order dated
05.07.2021 passed in C.W.J.C. No.14322 of 2019 with a limited
prayer that interest should be awarded on the amount of gratuity,
which was illegally withheld by the respondents. In the said



C.W.J.C. No. 14322 of 2019 the petitioner had challenged a resolution vide memo no.1177 dated 24.05.2019 issued by the Deputy Secretary, Labour Resources Department, Government of Bihar, whereby the proceeding under Rule 43(b) read with Rule 139 of the Bihar Pension Rules, 1950 was sought to be initiated on the allegation of misconduct said to have been committed by him while posted as Deputy Labour Commissioner, Darbhanga. The petitioner superannuated with effect from 13.12.2018. Considering the pleadings on record and judicial pronouncements, this Court partly allowed the writ application by the aforesaid order dated 05.07.2021 in the following terms:-

*“I find force in submission made on behalf of the petitioner in the light of Full Bench decision in case of **Arvind Kumar Singh** (supra) that the respondents could not have withheld the admissible amount of gratuity payable to the petitioner. The respondents are accordingly directed to pay to the petitioner, the amount of gratuity within a period of two months from the date of receipt/production of a copy of this order.*

This application is accordingly partly allowed with the aforesaid observation and direction.

It goes without saying that I have not gone into the grounds taken in the writ application to question the legality of initiation of departmental



proceeding and other materials brought on record to contend that charges against the petitioner cannot be justified. It will be open for the petitioner to raise all such points before the appropriate authority at appropriate stage.”

4. In the present review application, the petitioner has claimed that the Court ought to have awarded the interest for illegally withholding the amount of gratuity. He has submitted with reference to certain decisions that the interest is payable on delayed payment of gratuity and since it has been held by this Court that the amount of gratuity was illegally withheld by the respondents in this case, the Court ought to have awarded the interest on the amount of gratuity.

5. In my opinion, no case for review of the order is made out as no such grounds are available for this Court to review its own order. No patent error of record has been pointed out on behalf of the petitioner in the impugned order. It is a well settled law that power of review is an exception to the general rule that once judgment is signed and pronounced, the Court becomes *functus officio*. Review applications cannot be lightly entertained and review of an order will require only when a glaring omission or patent mistake and grave error crept in the earlier by the judicial fallibility. Unless the error is self evident,



a Court will not be justified to exercise the power of review of its own order.

6. For the reasons aforesaid, I am of the opinion that no case for review of the order dated 05.07.2021 passed in C.W.J.C. No. 14322 of 2019 is made out.

7. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

P. Tiwari/-

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