

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.45 of 2020

In
Civil Writ Jurisdiction Case No.13117 of 2019

1. The Union of India through the Secretary, Department of Posts, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna.
3. The Director Accounts (Postal), Patna GPO Campus, Patna.
4. The Postmaster General, Northern Region, Muzaffarpur.
5. The Superintendent of Post Offices, Champaran Division, Motihari.

... ..Respondent/s Petitioner/s/Review Petitioner/s

Versus

Ratneshwar Singh, aged about 58 years, Gender-Male, Son of Late Laxmi
Narayan Singh, Resident of Village and P.O.-Chapra Bihari, Via -Chaita, P.S.-
Pakri Dayal, District-East Champaran.

... ..Appellant/s Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Verma, Advocate
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 12-12-2023

The present Civil Review No. 45 of 2020 is arising out
of CWJC No. 13117 of 2019 dated 03.07.2019. Respondent
Ratneshwar Singh was stated to be initially appointed on casual



basis thereafter he had been assigned temporary status. Further he is entitled to regularisation in MTS cadre. The same was not extended to him, in the result he was compelled to file application under Section 19 of the Administrative Tribunals Act, 1985 before the Central Administrative Tribunal, Patna Bench, Patna. The tribunal allowed his original application. Feeling aggrieved and dissatisfied with the order of the tribunal, review petitioners preferred CWJC No. 13117 of 2019 assailing the order the Central Administrative Tribunal, Patna and it was dismissed on 03.07.2019. Hence the present Civil Review No. 45 of 2020.

2. Learned counsel for the Review petitioners submitted that there is error in the order dated 03.07.2019 in not appreciating that respondent had refuse to accept the regularisation against MTS cadre. The co-ordinate Bench has not taken into consideration Annexure-P/1 and Annexure-P/2 dated 09.03.2016 and 29.03.2016. By virtue of these two documents it is evident that respondent had refuse regularisation and the same has been recorded by the review petitioners while declining relief of regularisation or appointment to the MTS cadre.

3. We are surprise to know that a casual employee who has been brought on record as a temporary status and refusing the regularisation. In fact perusal of Annexure-P/1 the refusal is for



promotion. Respondent was not aware that he is not entitle to promotion on the other hand he is entitle to regularisation in the cadre of MTS. The respondents-authorities should have apprise him about the regularisation. Respondent may be semi literate person he may not aware of the service condition of employees. Regularisation of his service would be beneficial to him and he may not be aware of the beneficial of a service condition.

4. Be that as it may, for the purpose of entertaining Civil Review petition scope is very limited as held by the Apex Court in the case of **S. Murali Sundaram vs. Jothibai Kannan and Ors.** reported in **2023 SCC OnLine SC 185** and **Arun Dev Upadhyaya vs. Integrated Sales Service Ltd. and Anr.** reported in **2023 LiveLaw (SC) 506 : 2023 INSC 610** (Paragraph nos. 9 to 15).

5. That apart Order 47 Rule 1 of the Code of Civil Procedure, if there is any error apparent on the face of the record in such an event Court is permitted to review its own order. Assuming that the aforementioned documents dated 09.03.2016 and 29.03.2016 has not been appreciated, however, reading of paragraph 3 of the order dated 03.07.2019, it is crystal clear that there is a distinction of promotion and regularisation. Therefore, we find no merit in the Civil Review application so as to review the order dated 03.07.2019 passed in CWJC No. 13117 of 2019.



6. Accordingly, petition stands dismissed.

7. Respondent being low paid employee, his name be reconsider for regularisation in the light of Annexure-P2 and proceed to regularize his service and extent all monetary benefits including service benefits within a period of three months from the date of receipt of this order.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

Anand Kr.

AFR/NAFR	
CAV DATE	
Uploading Date	18.12.2023
Transmission Date	

