

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.109 of 2018

In
Letters Patent Appeal No.1303 of 2014

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Pankaj Kumar son of Late Awadhesh Kamat R/o Ward No. 11, Purani Durga
Asthan, P.O. P.S. Dist. Supaul, PIN 852131.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Road Construction Deptt.
Govt. of Bihar, Patna
2. The Principal Secretary, General Administration Deptt. Govt. of Bihar,
Patna.
3. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Chief Engineer, Road Construction Deptt., Government of Bihar, North
Wing C Darbhanga.
5. The Superintending Engineer, Road Construction Deptt., Road Circle,
Saharsa.
6. The Executive Engineer, Road Construction Deptt., Road Division, Supaul.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Karuna Kant Jha
	:	Mr. Balkrishna Mishra, Adv.
	:	Mr. Karuna Kant Jha, Adv.
For the Opposite Party/s	:	Mr. Rashwandand GA-11
	:	Mr. Prabhat Kumar AC to GA-11

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 10-08-2023

The present Civil Review is filed for recalling the
order dated 23.02.2018, passed in LPA No. 1303 of 2014,
arising out of CWJC No. 12147 of 2013.

2. Gist of the matter is that whether the petitioner is
entitled to pay-scale of Rs. 4000/- to 6000/- pursuant to his



initial appointment on compassionate ground to the post of Junior Accounts Clerk or not ? The petitioner submitted an application for appointment on compassionate ground on 02.12.2000 and pursuant to his application, the petitioner was appointed on 09.02.2001 and subsequently, on 24.04.2001 the petitioner joined in the pay-scale of Rs. 3050/- to 4590/-. He learnt that similarly situated persons have been extended pay-scale of Rs. 4000/- to 6000/- and he had been discriminated. In this regard, the petitioner had submitted representation on 12.02.2004 and it was allowed in his favour and extended the benefit of Rs. 4000/- to 6000/-. Thereafter, the official respondent noticed that extended pay-scale of Rs. 4000/- to 6000/- to the petitioner was not in order and it is contrary to policy decision of the State Government dated 20th December 2000 to the extent that whoever appointed on compassionate ground he or she is entitled to pay-scale at Rs. 3050/- - 4590/-. Taking note of these material information, official respondent proceeded to re-fix the petitioner's pay in the pay-scale of Rs. 3050/- - 4590/- from 4000/- - 6000/-. Feeling aggrieved by such decision dated 24.02.2012, the petitioner filed CWJC No. 12147 of 2013 and suffered an order. The matter was taken up in LPA No. 1303 of 2014 in which also he has suffered an



order. Consequently the present civil review petition is filed to recall the order passed in LPA No. 1303 of 2014 on the score that the petitioner's father died on 04.07.2000, the petitioner had submitted application on 02.12.2000, whereas, order of appointment was issued on 19.04.2001, in the meanwhile government policy decision is of 20th December 2000 insofar as extending pay-scale of Rs. 3050-4590/- to such of those compassionate appointees. His grievance is that the date of application for compassionate appointment i.e., 02.12.2000 is crucial date and it is required to be taken into consideration for the purpose of extending the pay-scale of Rs. 4000/- to 6000/- and not with reference to State Government policy dated 20th December 2000. In other words, whatever the policy decision existing as on the date of petitioner's application was required to be taken note of and extend all service benefits.

3. This issue cannot be re-agitated or appreciated in Civil Review Petition, in the light of Apex Court decision in the case of **S. Murali Sundaram Vs. Jothibai Kannan and ors.** in **Civil Appeal Nos. 1167-1170 of 2023 (dt. 24.02.2023)** read with **Parsion Devi and Ors. Vs. Sumitri Devi & Ors.** reported in **(1997) 8 SCC 715**. In the aforementioned case, the Apex Court has been taken note of Section 114 of CPC read with



Order 47 Rule 1 of CPC. Therefore, it is not a case for recalling the order dated 23.02.2018 passed in LPA No. 1303 of 2014 for review.

4. Hence the present Review petition stands dismissed.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

Amrendra/ramesh

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

