

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.406 of 2019

In
Civil Writ Jurisdiction Case No.8034 of 2017

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Md. Ashraf Khan, Son of Late Abdul Monaf Khan, Scientist D, Employee Code 1219, National Informatics Centre, Patna District Unit, Bihar, Presently residing at Flat No.- 302, Yash Rhythm Parge Nagar, Kondhwa, P.S.- Kondhwa, District- Pune, Maharashtra.

... .. Petitioner/s

Versus

1. The Union of India through Secetary, Ministry of Communication and Information Technology, Government of India, New Delhi.
2. The Director General, National Informatics Centre, NIC, Head Quarter, Department of Electronics and Information Technology, A Block, CGO Complex, Lodhi Road, New Delhi.
3. The Deputy Director (Personnel), Office of the Director General, National Informatics Centre, NIC, Headquarter, A-Block, CGO Complex, Lodhi Road, New Delhi-110003.
4. The Joint Director, Administration Section, National Informatics Centre, N.I.C. Headquarter, A-Block, CGO Complex, Lodhi Road, New Delhi-110003.
5. The Joint Director (Vigilance), National Informatics Centre, N.I.C. Headquarter, A-Block, CGO Complex, Lodhi Road, New Delhi-110003.
6. The State Informatics Officer and H.O., National Informatics Centre, Bihar State Unit, 3rd Floor, Technology Bhawan, Bailey Road, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate.
For the Opposite Party/s : Ms. Punam Kumari Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 25-09-2023

We have heard Mr. Shashi Bhushan Kumar, the

learned Advocate for the review petitioner and Ms. Punam



Kumari Singh, the learned Advocate for the Central Government.

2. The petitioner seeks review of the judgment dated 18.10.2019 passed in C.W.J.C. No. 8034 of 2017, whereby the challenge thrown by the petitioner against the order passed by the CAT dismissing the petitioner from service, was upheld.

3. The learned Advocate for the petitioner has submitted that the review has been filed on the ground that the claim of the respondent/National Informatics Centre and which claim formed the basis for the judgment sought to be reviewed, is incorrect.

4. According to the petitioner, a letter dated 23.05.2000 was shot by him to his employer with a request for premature superannuation and payment of pension and that letter was received in the office of NIC, Patna on the same date *i.e.* on 23.05.2000.

5. The objection of the NIC is that the endorsement on such letter and the stamp of NIC thereon



is fabricated. In fact, the objection of the NIC had consistently been that no such letter of request dated 23.05.2000 was ever received in the office of NIC.

6. Explaining the aforementioned stand of the NIC, it was urged on its behalf that the application of the writ petitioner was avowedly for premature retirement and not voluntary retirement under the rules. The stamp of the receiving authority dated 23.05.2000 was not of NIC, Bihar State Unit. At the time of creation of Ministry of Information Technology in October, 1999, NIC was moved to Ministry of Information Technology. Hence, on 23.05.2000 NIC was not under the Planning Commission of Government of India. These grounds prompted the NIC to make a statement in the counter affidavit in the writ proceeding that its stamp dated 23.05.2000 is a forged one and that such document was never received by NIC in Bihar Unit.

7. The learned Advocate for the petitioner has further submitted that there is only a blank denial of the



NIC with respect to an application filed by the petitioner dated 17.12.2002, where reference of a decision of the Government was made by the petitioner which permitted an employee to take voluntary retirement.

8. We find from the document, on which the letter dated 17.12.2002 was based, that such policy was only for employees who were declared surplus. It is not the case of the review petitioner that he was a declared surplus employee.

9. Mr. Kumar, learned Advocate for the review petitioner has submitted that be that as it may, the denial of the application dated 17.12.2002 having been received in the office of NIC is incorrect as the review petitioner is in possession of the acknowledgment receipt.

10. Be it noted that assuming that the letter was received in the NIC, the scheme under which benefit was sought by the review petitioner was not applicable to him. Even otherwise, we have found that the review petitioner had no case for seeking voluntary retirement when he had



deserted the organization and the departmental proceeding against him had to be concluded ex-parte. It was also found out that during the period of absence of the petitioner, he had obtained job outside the country.

11. No good ground has been made out by the review petitioner for any re-look at the judgment dated 18.10.2019.

12. Accordingly, the review petition is dismissed.

(Ashutosh Kumar, J)

(Alok Kumar Pandey, J)

manoj/krishna

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.10.2023
Transmission Date	NA

