

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.41 of 2022

In
Letters Patent Appeal No.422 of 2019

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Md. Allauddin @ Allauddin Son of Late Sanichar Mian Resident of Village
Kutubpur, P.s. Mathurapur, District - Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, the Department of Food and Civil Supplies, Bihar, Patna.
2. The Chairman cum Managing Director, Civil Supplies Corporation, Sone Bhawan, Veer Chand Patel Path, Patna.
3. The District Manager, Bihar State Food and Civil Supplies Corporation, Saharsa.
4. The District Manager, Bihar State Food and Civil Supplies Corporation, Khagaria.
5. The District Provident Officer, Khagaria.
6. The District Treasury Officer, Khagaria.
7. The Accountant General, Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar, Adv.

For the Opposite Party/s : Mr.S. Raza Ahmad , AAG 5

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

4 19-07-2024 The present civil review is arising out of LPA No.
422 of 2019.

2. The grievance of the petitioner in the writ petition is for release of retiral dues. He, however, has grouse that he has not been paid gratuity. He has remedy of filing civil review in CWJC No. 11985 of 2018.

3. Be that as it may, in LPA also he has not



specifically apprised this court to the extent that single Judge has not considered the gratuity issue and the same has not been apprised in LPA No. 422 of 2019. It is to be seen that co-ordinate Bench decided the LPA by an oral judgment, and therefore, the review petitioner had every opportunity at every stage where he has not apprised this Court to the extent that review petitioner is entitled to gratuity amount. The same cannot be adjudicated in the civil review in light of the fact that scope of Order XLVII Rule 1 of C.P.C. is limited.

4. At this juncture, learned counsel for the review petitioner submitted that respondents are redressing the grievance of the petitioner insofar as releasing of the gratuity, to that effect recommendation is made, if it is so, review petitioner is permitted to pursue the same before the concerned authority.

5. With the above observation, the present civil review petition stands disposed of.

6. Pending I.A., if any, stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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