

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.118 of 2023

In
Letters Patent Appeal No.1572 of 2017

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Most Meena Devi W/o Late Ganesh Prasad Choudhary @ Ganesh Choudhary
R/o Village and Post - Balbhadrapur, P.S.-Birpur, Via-Balua Bazar, District-
Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna
3. The Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Govt. of Bihar, Patna
4. The Chief Engineer Mechanical, Public Health Engineering Department, Govt. of Bihar, Patna
5. The Zonal Chief Engineer, Purnea Zone, Purnea
6. The Superintending Engineer, Public Health Engineering Circle, Govt. of Bihar, Patna
7. The Executive Engineer, Public Health Division, Araria
8. The Sub-Divisional Officer-cum-Assistant Engineer, Public Health Engineering Sub-Division, Araria
9. The District Magistrate, Araria
10. The District Provident Fund Officer, Araria
11. The Treasury Officer, Araria
12. The Accountant General A and E, Bihar, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Siyaram Pandey, Advocate
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 ARUN KUMAR JHA
ORAL ORDER

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

5 05-03-2025

Re : I.A. No. 1 of 2024

Heard I.A. No. 1 of 2024 filed for condonation of



delay of about 30 days in filing the present civil review application.

2. For the reasons stated in the application read with the affidavit, delay of about 30 days in filing the present civil review application, stands condoned. I.A. No. 1 of 2024 is allowed.

3. Heard the present civil review application to recall the order dated 01.03.2023 passed in LPA No. 1572 of 2017.

4. Learned counsel for the review petitioner is re-arguing the case on merit. We have already taken note of what is the core issue involved in the original *lis* to the extent that whether deceased employee is entitled to pay attached to the post of Group – D with effect from 30.08.2002 or not ? We have made an observation that deceased employee has failed to assail the posting order as a Daily Wager on 30.08.2002 and further he has failed to question the validity of posting him as Daily Wager when he was working under work charge establishment with reference to pay scale of Rs. 350 – 425. Thereafter, he has accepted his regularization with effect from 23.06.2014. The deceased employee has also not assailed the regularization dated 23.06.2014 to contend that he was already holding regular post in the pay-scale of Rs. 350-425. In the absence of challenge to



the aforementioned action by the deceased employee, the employee is not entitled to have the benefit of pay-scale with effect from 30.08.2002 while ignoring his date of regularization as on 23.06.2014.

5. Scope of review under Order 47 Rule 1 of CPC is limited so as to examine what is the error committed by the Court. The learned counsel for the review petitioner has not pointed out any specific error committed by this Court insofar as passing order on 01.03.2023. Accordingly, present Civil Review No. 118 of 2023 stands dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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