

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.373 of 2018

In
Civil Writ Jurisdiction Case No.6994 of 2018

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1. Bihar State Power Transmission Company Ltd. through its Managing Director, Vidyut Bhawan, Patna
 2. The Executive Engineer, Electric Conductor Division, Bhagalpur, District-Bhagalpur
 3. The Superintending Engineer, Bhagalpur District-Bhagalpur

... .. Petitioner/s

Versus

Ram Chandar Ram @ Ram Chandra Ram Son of Late Rameshwar Ram
Resident of Village-Sitarampur, P.O.-P.S.-Sultanganj, District-Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	None
For the Opposite Party/s	:	Mr. Sharda Nand Mishra, Advocate
	:	Mr. Dhananjay Kumar Gupta, Advocate
	:	Mr. Dharmdeo Kumar, Advocate
	:	Mr. Atul Kumar, Advocate
	:	Mr. Sumit Kumar Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 17-04-2025 No one appears on behalf of the petitioners though

Mr. Sharda Nand Mishra representing the sole opposite party.

2. The present appeal has been preferred for the grant
of following relief:

*“That this application is being filed on behalf of
the petitioners above named for review of the
order dated 27.07.2018 passed by Hon'ble Mr.
Justice Shivaji Pandey (as his lordship then was)
in CWJC No. 6994 of 2018 which by learned*



single judge disposed of the writ application relying on statement of the counsel for the petitioner that as per the date of birth recorded in the Service Book he has still to work for 4 years more but he has been deprived from the service before 4 years and it is premature and forceful retirement of the writ petitioner as the writ petitioner was asked to appear before the medical Board on 21.08.1999 and the medical Board has ascertain the age of the petitioner between 40-42 years average-41 years. The counsel for the petitioner further submitted that still the same date of birth is standing in the service book as no proper correction in the Service Book has been made and in terms of date of birth who will continue to work for 4 years more as such this Hon'ble Court without asking for counsel for the Respondents to file Counter Affidavit disposed of the writ application and had observed that to resolve the dispute and the Hon'ble High Court directed. However, holding company to constitute a medical Board and writ



petitioner will appear before the Medical Board and age of superannuation will be decided on the basis of the report Submitted by the Medical Board, a process of ascertainment of age will be completed within a period of the 3 weeks.”

3. The writ petitioner filed the CWJC No. 6994 of 2018 challenging his earlier superannuation.

4. The contention of the writ petitioner was that the Medical Board assessed his age which followed the order and thus needed no interference.

5. The Writ Court (Hon'ble Mr. Justice Shivaji Pandey, as his lordship then was) simply directed the Power Holding company to constitute a fresh Medical Board where the petitioner shall appear and the age determined by it will be taken into account for his superannuation.

6. Aggrieved, the present Review Petition by the Company.

7. Learned counsel for the sole opposite party submits that the Writ Court had not set aside the decision of the Power Holding company rather wanted second medical opinion which is/was just and proper but the Company instead of getting fresh report came before this Court.



8. There is force in the submission of the sole opposite party. The Writ Court simply wanted another opinion of the Medical Board in view of the fact that the petitioner and the Company were giving two date of births. Instead, the Review Petition.

9. However, since there is no appearance on behalf of the Company, the Review Petition stands dismissed for non-prosecution.

(Rajiv Roy, J)

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