IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.407 of 2019
In
Civil Writ Jurisdiction Case No.19038 of 2014

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Dharamshila Pathak W/o Late Vidyanand Pathak, @ V.N. Pathak, Resident of Village-Birampur, P.S. Koelwar, District-Bhojpur. ... ... Petitioner/s

Versus

1. The Chairman Central Bank of India Mumbai
2. The Chief Manager, Central Bank of India, Mumbai.
3. The General Manager, HRD, Central Bank of India, Mumbai.
4. The Zonal Manager, Central Bank of India, Maurya Lok, Patna.
5. The Regional Manager, Central Bank of India, Gaya.
6. The Deputy Regional Manager, Central Bank of India, Gaya.
7. The Senior Manager, Terminal Benefits Department, Central Bank of India, Gaya.
8. The Branch Manager, Central Bank of India, Ara.

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mithilesh Kumar Upadhyay, Advocate
For the Opposite Party/s	:	Mr.Ajay Kumar Sinha, Advocate
For Bank	:	Mr. Ajay Kumar Sinha, Sr. Advocate Mr. Pravin Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

6 19-06-2025 Heard the parties.

2.The present petition has been preferred for the following relief/s:

> *(i) for review of the Judgment dated-22.5.2017 passed in CWJC No. 19038/2014, passed by Hon'ble Mr. Justice Ahsanuddin Amanullah whereby and whereunder aforesaid judgment has been passed against a dead person i.e. the writ petitioner*

who had died prior to the date of judgment as due to lack of communication between the parties and learned counsel, writ petitioner was not substituted during pendency of the writ petition and further it is prayed that after impleading petitioner of this application as party to the writ petition, the matter may be heard afresh in dispensation of substantial justice and/or for any other order/orders may be passed in the facts and circumstances of the case.

3. Learned Senior Counsel representing the Bank submits that the husband of the petitioner namely Vidyanand Pathak who was an employee of the Bank after retirement failed to exercise right to opt for pension within time and as such once the cut off date crossed, as per the policy decision of the Bank, his claim not have been entertained. The Bank in that background had no option to show any compassion in such matters.

4. The writ Court, in that background, vide an order

dated 22.05.2017 recorded that in such financial matters where a policy is taken with cut off date, the Court cannot interfere as it relates to financial implication and when a cut off date is known to everyone, it is presumed that they have to act in accordance with law. The writ petition was accordingly disposed of.

5. The widow has preferred this review petition recording that her husband died on 16.01.2016 itself and as such a judgment has been passed against a dead person.

6. In the opinion of the Court, it was the duty of the family members to inform the learned counsel representing the husband of the widow to inform the Court about his death. The Court has not passed anything adverse against the husband of the petitioner rather it has only recorded that no interference can be made in such financial matters.

7. The review petition is dismissed.

(Rajiv Roy, J)

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