

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Civil Review No. 48 of 2026

Arun Joseph (Ex-Clerk, Grade-1, PCNL, EC Railway, DRM Office, Dhanbad), son of Late Anthony Joseph, resident of Ish Arpan Villa, Kolakusma, near Bhuiphor Mandir, Sabalpur Raod, K.G. Ashram, P.O.- K.G. Ashram, P.S.- Saraidhela, District- Dhanbad
... .. Petitioner

Versus

1. Union of India, Ministry of Railways, through General Manager, East Central Railway, Hazipur
2. The Divisional Railway Manager, East Central Railway, Dhanbad Division, Dhanbad
3. The Senior Divisional Personnel Officer, East Central Railway, Dhanbad Division, Dhanbad
4. The Divisional Personnel Officer, East Central Railway, Dhanbad Division, Dhanbad
5. Assistant Personnel Officer (2)-cum-Assistant Public Information Officer, East Central Railway, Dhanbad Division, Dhanbad
6. The Senior Divisional Mechanical Engineer (P), East Central Railway, Dhanbad
... .. Respondents

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR**

For the Petitioner : Mr. P.K. Mukhopadhyay, Advocate
Mr. Ashish Kumar Mandal, Advocate
Mr. Prem Prakash Kumar Singh, Advocate
For the Respondents : Mr. Prashant Pallav, A.S.G.I.
Mr. Parth Jalan, A.C. to A.S.G.I.

Order No. 02

Dated: 15.06.2026

1. Heard learned counsel for the parties.
2. This petition seeks a review of the order dated 28.11.2025 dismissing W.P.(S) No. 6545 of 2025 on the ground that it contains errors apparent on the face of the record.
3. Mr P.K. Mukhopadhyay, the learned counsel for the petitioner, submits that in the absence of any specific order or direction requiring the petitioner to vacate the official quarter, the

petitioner could not be expected to vacate the quarter. He submitted that it was only after an allotment letter dated 12.11.2015 was issued to Mr Vivek Kumar Choubey allotting this order to him, the petitioner, that the petitioner handed over the possession of the quarter to Sri Vivek Kumar Choubey.

4. Mr Mukhopadhyay submitted that under such circumstances, to hold that the petitioner was in some kind of unauthorised occupation of the official quarter and to impose damage rent upon the petitioner was neither legal nor justified. He submitted that the observations or findings in paragraph nos. 6 to 8 of the impugned judgment and order dated 28.11.2025 are patently erroneous and qualify as errors apparent on the face of the record.
5. Mr Mukhopadhyay also tried to raise some issues regarding the payment of 2/3 of the pension and the delay therein. He submitted that the pension is a right and not a bounty. He also urged that no resort was made to the Public Premises Act, and that there is no material to sustain the quantification of the damage rent. He submitted that all these are good grounds to assail the order imposing damage rent and the adjustment of the damage rent amount from the 2/3rd pension directed to be paid to the petitioner.
6. Mr. Prashant Pallav, the learned A.S.G.I., at the outset, submitted that the petitioner was only trying to re-argue the matter on merits which is impermissible given the limited scope of review

jurisdiction.

- 7.** Without prejudice, Mr. Prashant Pallav referred us to the communication dated 17.10.2007 issued by the Disciplinary Authority/Competent Authority to the petitioner, which was duly received by the petitioner, informing him to hand over the possession of the official quarter and give necessary intimation as to how and where the petitioner's settlement dues were to be paid. He therefore submitted that the argument about there being no specific order or that the petitioner was not aware as to whom he should hand over the possession cannot be accepted.
- 8.** Mr Pallav submitted that there was no delay in the payment of pension after it became due. The damage rent was also determined in accordance with applicable law and procedures. Such contentions cannot be raised in a review petition.
- 9.** Mr Prashant Pallav submitted that there is no error, much less any error apparent on the face of the record, to warrant the exercise of review jurisdiction.
- 10.** The rival contentions now fall for our determination.
- 11.** The review jurisdiction is extremely limited to finding out whether the order of which review is applied for indeed suffers from any error apparent on the face of record. A review is not an opportunity to re-argue or reiterate the arguments already advanced, which were duly considered by the court, though such arguments may not have found favour with the court. By raising the above contentions, the petitioner is only attempting to re-

argue the matter.

- 12.** The argument that there is no specific order or direction for vacating the quarter is belied by the communication dated 17.10.2007 (part of Annexure-1 series, i.e., at page 44 of the paper book).
- 13.** Clauses 2 and 3 of this communication, issued by the Disciplinary Authority/Competent Authority, read as follows:

"2. You will please hand over to SSE (L)/Dhanbad the Railway property, if any, in your possession. Please intimate the Sr.D.P.O./Dhanbad as to how and where your settlement dues are to be paid.

3. You will appreciate that the Railway quarter occupied by you, is necessarily required for other railway staff including your successor in office. You are, therefore, required to deliver to the Railway administration the possession of the said railway quarter by vacating the same as early as possible but not later than 16.11.2007. It may be mentioned here that if the said quarter is not vacated by you by the stipulated date, you will make yourself liable to the Railway for eviction therefrom and for damages for the unauthorized use and occupation thereof."

- 14.** The above communication, which was issued by the Disciplinary Authority/Competent Authority, was more than sufficient for the petitioner to hand over the possession of the railway property, which would include the official quarter, if the petitioner indeed wanted to avoid payment of any damage rent. The petitioner was informed that the railway quarter he occupies is required for other railway staff, including his successor in office. The petitioner was given a clear idea about the date and the authority

to whom the possession should be handed over. This communication bears an endorsement of receipt, and in any event, no serious dispute was raised about the receipt of this communication. All this is assuming that a specific order was indeed necessary for the petitioner to vacate the official quarter, even though he was dismissed from service.

- 15.** The other important document is the one referred to in paragraph 7 of the judgment for which review is applied. This document is in Annexure-6 (page 56 of the paper book). This document, dated 12.01.2016, clearly and unequivocally shows that it was the petitioner who handed over the official quarter in his possession to Vivek Kumar Choubey. Thus, the petitioner cannot now claim that he had no possession of the official quarter between the period from 02.08.2008 and 12.01.2016. For this period, the petitioner was called upon to pay the damage rent.
- 16.** Though Mr Mukhopadhyay tried to argue that the petitioner was not aware of or rather did not have a copy of the document dated 12.01.2016 (part of Annexure-6 series), it is very difficult to accept such an argument. The document bears the petitioner's signature and that of Vivek Kumar Choubey. At no stage was this document challenged as not representing the true situation.
- 17.** The arguments about alleged delay in paying 2/3rd of the pension or that the damage rent was assessed incorrectly do not appear to have been raised either before the CAT or this Court in the

first instance. In a review petition, there is no scope to raise such additional arguments, and that too across the bar.

- 18.** Regarding the alleged delay in the payment of pension or in the award of interest thereon, in the first place, there is nothing to show that there was any undue delay in the payment of pensionary benefits after they became due. Therefore, there is no question of awarding any interest thereon. In any event, this was not the issue either before the CAT or before this Court and therefore, it is not possible to entertain such arguments in a review petition.
- 19.** For all the above reasons, we are satisfied that there is no error, much less any error apparent on the face of the record, warranting the exercise of our limited review jurisdiction.
- 20.** This review petition is accordingly dismissed without any order for costs.

(M. S. Sonak, C.J.)

(Rajesh Shankar, J.)

June 15, 2026
Manish/Ritesh
N.A.F.R.

Uploaded on 17.06.2026