

IN THE HIGH COURT OF JUDICATURE AT PATNA

C. REV. No.234 of 2009

1. THE UNION OF INDIA THROUGH THE SECRETARY, MINISTRY OF RAILWAYS, RAIL BHAWAN, NEW DELHI.
2. THE GENERAL MANAGER, N.F. RAILWAY, MALIGAON, ASSAM
3. THE DIVISIONAL RAILWAY MANAGER, N.F. RAILWAY, MALIGAON, KATIHAR
4. FINACIAL ADVISOR AND CHIEF ACCOUNTS OFFICER (WRONGLY DESCRIBED AS F&CAO IN WRIT PETITION), MALIGAON, GAUHATI, ASSAM.....RESPONDENTS.....APPLICANT.

Versus

UJARIA DEVI WIFE OF LATE JHAPSI MAHTO RESIDENT OF VILLAGE RAHUNATHPUR, POST OFFICE AND POLICE STATION, BARSOI, DISTRICT-KATIHAR.....PETITIONER.....OPPOSITE PARTY

3. 31-Mar-2010

Heard the parties.

2. Learned counsel for the petitioner which is

Union of India submits that this review petition has been filed for two purposes. One, to bring on record the fact that against a similar judgment and order of this Court of the year 2007 the Union of India has preferred Special Leave Petition before the Supreme Court in which stay has been granted and the matter is pending for consideration. Second, to avail the opportunity to bring on record detailed facts because writ petition was heard and allowed without there being any counter affidavit on the record.

3. We find that the writ petition was preferred by the petitioner against an order of Central Administrative

Tribunal, Patna Branch which had discussed all the relevant materials that had been brought on record by the Union of India and its officials including the authorities of the Indian Railways. Hence, the writ petition did not require filing of any counter affidavit for its disposal.

4. So far as the first point is concerned, mere filing of Special Leave Petition and interim order passed therein by Apex Court will not be a good ground for reviewing the order passed on merits. The matter would have been different, had any binding precedent of the Apex Court required consideration and had not been considered.

5. Hence, we find no merits in the review petition, it is accordingly dismissed.

(Shiva Kirti Singh, J.)

(Gopal Prasad, J.)

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