

IN THE HIGH COURT OF MEGHALAYA
SHILLONG

Review Petition No. 6 of 2015
In Writ Petition No.298 of 2013

Shri Syed Mozibar Rahman,
S/o Mazimuddin Ahmad,
R/o Village Akana
PO Borajol
District Nalbari,
Assam.

... Petitioner

-Versus-

1. State of Meghalaya
Represented by Chief Secretary,
Government of Meghalaya,
Secretariat Building
East Khasi Hills District,
Meghalaya, Shillong.

2. Commissioner & Secretary
Public Welfare Department,
Shillong-1.

3. The Chief Engineer, PWD
(Roads), Meghalaya Shillong 1.

4. The Executive Engineer,
PWD (Roads), Nongpoh Division,
Nongpoh, Ri-Bhoi District,
Meghalaya.

... Respondents

B E F O R E

THE HON'BLE MR JUSTICE SR SEN

For the Petitioner	: Mr. A Khan, Advocate
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For the respondent	: Mr S Sen Gupta, Addl. Sr. GA
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Date of hearing	: 28.09.2015
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Date of Judgment and Order : 28.09.2015

JUDGMENT AND ORDER(ORAL)

The petitioner's case in Review in a nutshell is:

“ That the writ petitioner states that the writ petitioner had approached this Hon'ble Court for quashing of letter dated 8.7.2008 issued by respondent No.4(Annexure VII) and to direct the respondents to give effect to notice/circular (Annexure III) where the petitioner's name has appeared as item No.8 and his date of superannuation is on 30.10.2010 and to release the pay from 1.10.2008 to 30.9.2010 along with other benefits and to release G.P.F. and pension. This Hon'ble Court vide judgment dated 21.8.2012 had set aside the impugned letter and directed the respondent for conducting fresh enquiry. No findings was given as per direction of this Hon'ble court and thereafter inspite of reminder and representation the respondents have neither released the salary of the petitioner nor paid the retirement benefit. As such the petitioner had approached this Hon'ble court for appropriate direction and states that for last more than one month the direction and states that for last more than one month the petitioner had been advised rest by the doctor as the petitioner was suffering from left knee injury. It was only by the intervention of this Hon'ble court that the petitioner received some amount of his pension and thereafter from January, 2015 till date the petitioner has not received any pension from the respondents. The petitioner is living a very hard life and though the respondents had made the petitioner retire on 30.9.2007, even after 7 years of the issuance of the order by this Hon'ble Court payment of pension has not been settled yet. It was only on 14.09.2015 when the petitioner came to Shillong he learned about the judgment and order dated 19.8.2015 passed by this Hon'ble Court.”

Mr A Khan, learned counsel appeared for and on behalf of the petitioner with limited points as under:-

1. That now he has found the original Duplicate admit card and produced the same before the Court.

2. He also said that an FIR was lodged when petitioner lost the original Admit card and prayed that in the light of the new development judgment and order dated 19.8.2015 passed in WP(C)No.298 of 2013 may be reviewed.

On the other hand, learned State counsel Mr S Sen Gupta, submits that the Admit Card produced before the Court bearing No. 11671 is not original but a duplicate of the original admit card in the form of Xerox. Learned State counsel also pointed out that the petitioner himself admitted while filing his pension papers that his date of birth is 1.10.1949 besides that during enquiry from the Board of Secondary Education Assam, Guwahati, it also revealed that the petitioner's age is 18 years 5 months on 1.3.1968 and not 15 years 5 months. Therefore, question of further review is not necessary.

After hearing the submissions advanced by the learned counsels and carefully going through the judgment dated 19.8.2015 passed in WP(C)No.298 of 2013, I do not find any point to review the matter further because petitioner had lost the original admit card and then he obtained the duplicate copy which he produced before the Court today wherein it shows that his age is 15 years 5 months on 1.3.1968 whereas, the Board of Secondary Education Assam, in their letter dated 30.6.2008 in response to the enquiry clearly mentioned that the age of the

petitioner is 18 years 5 months on 1.3.1968. Secondly, petitioner himself has admitted that his date of birth is 1.10.1949 in his pension papers which is quoted in my judgment dated 19.8.2015 passed in WP(C)No.298 of 2013. Besides the Roll of Service also indicates two dates of birth which remained unanswered. Therefore, after considering all angles I just cannot overlook the voluntary statement given by the petitioner in his pension papers that his date of birth is 1.10.1949 as well as the certificate issued by the Board of Secondary Education Assam, during verification by the Office.

For the reasons above, I do not find anything to interfere with judgment 19.8.2015 passed in WP(C)No.298 of 2013. Hence, the Review Petition stands dismissed and disposed of.

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JUDGE

dr