
(2011) 01 JH CK 0074
In the Jharkhand High Court
Case No : Civil Review No. 57 of 2005

Ram Ashish Singh

APPELLANT

Vs

Ramawati Devi and Others

RESPONDENT

Date of Decision : 04-01-2011

Acts Referred:

Citation : (2011) 1 JCR 431

Hon'ble Judges : Rakesh Ranjan Prasad, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

R.R. Prasad, J.—Heard learned Counsel appearing for the Petitioner and learned Counsel appearing for the Respondents.

2. Learned Counsel appearing for Petitioner submits that when late Chabila Singh, Ex-Junior Lineman died, a claim was made by Ramawati Devi, who happens to be the wife of the Petitioner for payment of 50% of the proceeds of the provident fund amount, but when it was not paid, Ramawati" Devi filed a Writ Application before the Patna: High Court vide CWJC No. 10528 of 2001 whereby order was passed on 19.10.2001 to approach the General Manager-Chief-Engineer, J.S.E.B. Bhagalpur Region for payment of 50% of the proceeds of the G.P.F. relating to late Chabila Singh and the concerned Respondent was directed to take a decision in the matter of the payment of 50% of the proceeds of the G.P.F.

3. When no order was passed in respect of payment of the 50% of the proceeds of the G.P.F., Ramawati Devi again filed a Writ Application before the Patna High Court vide C.W.J.C. No. 1344 of 2003, which was disposed of on 30.7.2003, directing the Respondents again to consider the claim of the Ramawati Devi. However, when this Petitioner came to know that said Ramawati Devi has got those two orders passed by suppressing the material facts, a Civil Review Application bearing Civil Review No. 139 of 2002 was preferred before the Patna

High Court, which was disposed of on 14.7.2004, by modifying the order passed in C.W.J.C. No. 1344 of 2003, to the extent that the concerned authorities shall now consider the claim of the Petitioner for retiral dues in respect of late Chabila Singh as well as the claim of the Opposite Party No. 1 (Ramawati Devi) as per law considering the subsequent materials brought before this Court i.e. Probate granted by the Civil Court on 29.7.2000 in favour of the Petitioner. It was further pointed out that in spite of that, Ramawati Devi filed a Writ Application bearing W.P. (S) No. 5585 of 2004 before this Court claiming 50% of the proceeds of the Provident Fund Amount, which was disposed of on 28.10.2004, without giving notice to the Petitioner whereby direction was given to the General Manager-cum-Chief Engineer, Dumka to consider the claim of the Petitioner within a period of two months from the date of receipt/production of a copy of this order.

4. Since that order, which would be prejudicial to the right of the Petitioner, was passed without hearing him, this Review Application has been filed seeking modification of the order dated 28.10.2004 passed in W.P. (S) No. 5585 of 2004.

5. As against this, learned Counsel appearing for the Respondents-Mr. A.K. Choudhary submits that while filing W.P. (S) No. 5585 of 2004, she had never suppressed any material fact rather all those facts upon which order was passed in Review Application by the Patna High Court had been mentioned in the writ application wherein the Petitioner had claimed only 50% of the proceeds of the Provident Fund amount of late Chabila Singh on the basis of nomination made by him and the Court had passed the order with respect to payment to the extent of 50% which amount has already been paid to the Petitioner and that the Petitioner Ramawati Devi would never put forth any claim for rest of the 50% of the proceeds of the G.P.F.

6. In view of factual aspect of the matter as stated above and the submission advanced by Mr. A.K. Choudhary, learned Counsel appearing for the Respondent No. 1 that she has not been putting forth any further claim of the payment of the rest of 50% of the proceeds of the G.P.F., the order dated 28.10.2004 passed in W.P. (S) No. 5585 of 2004, needs not to be modified, as the said order never seems to be prejudicial to the right of the Petitioner.

7. Accordingly, this Review application stands dismissed.