

SUPREME COURT OF INDIA

Dharam Deo Narayan Singh

Vs.

State of Jharkhand

C.A.No.2630 of 2009

(Tarun Chatterjee and H.L. Dattu JJ.)

17.04.2009

ORDER

1. Leave granted.

2. The appellant calls in question the correctness or otherwise of the judgment and order passed in L.P.A. No. 257 of 2003 dated 3/10.8.2004 and the order passed in Civil Review No. 100 of 2004 dated 4/6.12.2005.

3. The appellant aggrieved by the rejection of the claim by the learned Single Judge in counting the service rendered by him earlier in the co-operative institution, had filed Letter Patent Appeal before the High Court of Jharkhand at Ranchi in L.P.A. No. 257 of 2003. By the impugned order dated 3/10.8.2004, the court has rejected the appeal.

“After such rejection, the appellant had filed Review Petition No. 100 of 2004. Alongwith the Petition, the appellant had produced circular instruction issued by the Government of India, Ministry of Human Resources Development, Department of Education, New Delhi and other documents, which according to him, would support his claim made before the authorities and also before the court.”

4. The Review Petition was rejected by the court on the ground that there was no error apparent on the face of the record and, therefore, review of the order passed in L.P.A. No. 257 of 2003 was not called for.

5. The grievance of the appellant and his counsel before us, is that; if the documents produced by the appellant had been considered by the court, it would have certainly helped the appellant to claim higher pensionary benefits.

6. The learned counsel for the respondents justifies the impugned order.

7. Having considered the rival claims of the parties, in our view, in order to do complete justice, we deem it proper to set aside the order passed by the High Court in Civil Review Petition without going into niceties of order 47 Rule 1 of *Code of Civil Procedure*.

8. Accordingly, we set aside the order passed by the High Court in Civil Review Petition No. 100 of 2004 dated 4/6.12.2005 and direct the High Court to reconsider the Review Petition filed by the appellant by taking on record the circulars and other documents filed along with the Review Petition as expeditiously as possible within an outer limit of six months. We hasten to add, we have not expressed anything on the merits of the claim of the appellant.

The appeal is disposed of accordingly. No order as to costs.