

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6580 of 2014

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Bijay Kumar Khatri Son Of Late Ramnath Prasad Arya Resident Of
Mohalla - Behind Urdu School, Mahabir Land, P.S. Pirbahore, P.O.
Sultanganj, District - Patna, Presently Posted On The Post Of Night Guard
(constable) in Mahendru Post Office, P.S. Pirbahore, District - Patna

.... Petitioner

Versus

1. The Union Of India Through The Director General Of Post Office, New Delhi
2. The Chief Post Master General, Bihar Circle, Patna
3. The Director (Postal) Cum Chief Post Master General Patna
4. The Senior Superintendent Of Post Office, Patna Division, Patna
5. The Post Master, Mahendru Post Office, Mahendru Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Arun Kumar No. 1, Adv.
Mr. Vijay Kumar Sinha, Adv.
For the Respondent/s : Mr. Anshuman Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 05-02-2015 Heard learned counsel for the parties as with regard to the
following reliefs prayed in this writ application:-

"(i) To regularize the 30 years longs services of the
petitioner in the light of land mark Judgment reported in
2010 SCC[ix] 247 state of Karnataka Versus M.L. Keshri
& others and also in the light of order dated 18.07.2013
passed in O.A. No. 628/2009 by Hon'ble CAT Patna
contained in Annex-7 petitioner was initially appointed on
13.05.1984 on the vacant and sanctioned post of Night
guard (constable) and since then he is regularly serving the
department as yet with his full ability and competency to

the best satisfaction of their higher authorities.

(ii) To provide all facilities of Regular employees like time bond promotions GPF, earned leave, Assured Money, Gratuity, pension etc as a regular employees of the Department with all arrears, current and consequential benefits.

(iii) To provide all facilities of At par Group D employee as petitioner is an employee of at part Group-D employee.

(iv) To pay the appropriate cost and compensation to the petitioner for unnecessary mental physical & economical harassment done by the Respts by unconstitutional acts of the Respondents. "

Having regard to the fact that the petitioner is an employee of Central Government, the remedy for him in the first instance for the aforesaid relief will be only before the Central Administrative Tribunal. As a matter of fact, the petitioner for almost same cause of action brought before this Court in this writ application had earlier moved Central Administrative Tribunal. This Court therefore finds no reason to interfere in the matter only because there was a direction given by the Central Administrative Tribunal which according to the petitioner has not been complied. This

Court is not and infact also cannot be made the executing court of the Central Administrative Tribunal.

That being so, this application is dismissed as not maintainable.

Nothing said in this order, however, will come in the way of the petitioner in moving the Central Administrative Tribunal again, if need be so for the petitioner.

(Mihir Kumar Jha, J)

surendra/-

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