

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18525 of 2013

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1. The Union of India Through The Secretary, Ministry of Communication Department of Post, New Delhi.
 2. The Director General, Department of Post, Dak Bhawan, Sansad Marg, New Delhi.
 3. The Chief Post Master General, Bihar Circle, G.P.O. Complex, Patna.
 4. The Director of Accounts (Postal), Patna.
 5. The Superintendent of Post Officers, Nawada Division, Nawada.

.... Petitioner/s

Versus

Ishwari Prasad Sharma S/o Late Barho Sharma Resident of Village And P.O-
Pithouri, P.S- Abbarpur, Distt- Nawada.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Sanjay Kumar, A.S.G.

For the Respondent : None

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 15-05-2015

The Department of Post, Government of India, is aggrieved by the order of the Central Administrative Tribunal, Patna Bench, Patna dated 4th December, 2012 passed in O.A. No. 593 of 2011 whereby the application of the sole contesting respondent Ishwari Prasad Sharma was allowed.

The applicant had prayed that his service be counted from the date of vacancy and not actual appointment, as the appointment got delayed because of reasons of the Department not holding the Department Promotion Committee (DPC) in time. The effect of this would be that the service of the applicant would be less

than 10 years, thus, depriving him of pensionary benefits, as 10 years is the minimum period required for claim of pension.

The Tribunal holding that it was the duty of the Department to expeditiously deal with the matter and appoint the person expeditiously so that he may not be deprived of his pensionary benefits yet for long periods DPC was not held and the default on the part of the Department could not deprive the applicant of his right. As such, directions were issued and the original application was allowed. Hence, this writ petition by the Department of Post.

Having heard learned counsel for the Department, we are unable to interfere in the matter. On the identical issue, we have already passed a judgment and order dated 23.02.2015 dismissing another writ application filed by the Department being **C.W.J.C. No. 13481 of 2013** (*The Union of India through the Secretary-cum-D.G. Department of Posts Dak Bhawan, New Delhi & Ors Versus Md. Umarruddin*). The facts are virtually the same. That being so, this writ petition, for the reasons stated therein, is also dismissed as merit less.

(Navaniti Prasad Singh, J.)

(Rajendra Kumar Mishra, J.)

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