

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10681 of 2013

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Krisnandan Das Son Of Late Rameshwar Ravidas Resident Of Village -
Ashrafpur, P.S. Nagarnausa, District - Nalanda

.... Petitioner

Versus

1. The Union Of India Through The Secretary Cum Director General,
Department Of Posts, Dak Bhawan, New Delhi
2. The Chief Postmaster General, Bihar Circle, Patna
3. The Director Of Postal Services (HQ) O/o the CPMG, Patna
4. The Sr. Superintendent Of Post Offices, Patna Division, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dinu Kumar, Advocate.
Mr. Shiw Kumar Prabhakar, Advocat.
Mr. Rajesh Kumar Singh, Advocate.

For the Respondents : Mr. Sanjay Kumar (ASG)
Mr. Ravinder Kumar Sharma, CGC.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

4 03-02-2015 Heard learned counsel for the petitioner and learned
counsel for the respondents.

The petitioner has filed this writ petition challenging the order of the Central Administrative Tribunal as also the order passed on review, whereby the order of punishment given to the petitioner has not been interfered with. After a departmental enquiry the petitioner was dismissed from service with effect from 01.08.2001.

The petitioner unsuccessfully preferred an appeal and

when the petitioner for the first time came before the Tribunal, the Tribunal primarily remitted the matter to the Appellant authority for reconsideration of certain aspect of the matter and at that stage in 2008 itself the Appellate authority changed the punishment from dismissal to compulsory retirement with effect from the date of dismissal itself. The Tribunal also did not interfere with the matter.

We examine the records and we are not inclined to interfere in the matter. The petitioner has not only suffered compulsory retirement instead of dismissal which he faced earlier.

We are sitting in judicial review and not an Appellate authority. In view of concurrent finding of fact by the Appellate authority and the Tribunal, we cannot review the question of fact. In a judicial review we are required to look into the decision making processes and not the decision itself.

We thus find no merit in this writ petition and it is accordingly dismissed.

(Navaniti Prasad Singh, J)

(Jitendra Mohan Sharma, J)

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