

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15788 of 2012

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1. The Union of India through Secretary cum Director General, Department Of Posts, Dak Bhawan, New Delhi
 2. The Chief Post Master General, Bihar Circle, Patna
 3. The Director Accounts (Postal), G.P.O. Complex, Patna
 4. The Postmaster General, Northern Region, Muzaffarpur
 5. The Superintendent of Post Offices, Darbhanga Division, Darbhanga

.... Petitioner/s

Versus

Ram Bilas Sah Son Of Late Ram Phal Sah Village and Post - Bhandarsomeganj,
P.S - Manigachhi, District - Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, ASG

For the Respondent/s : Mr. Jayant Kumar Karn, Advocate

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

Date: 29-10-2015

Heard learned counsel for the petitioners and the sole respondent.

2. Union of India has challenged the order dated 30.03.2011 passed by Central Administrative Tribunal, Patna Bench in O.A. No. 222 of 2010 whereunder the Tribunal recorded a finding in paragraph 9 of its judgment that as the vacancies were of the year 1997-98, the DPC should have been held before 10.05.1999 to enable the applicant to join the post prior to his becoming 50 years of age and on that basis has allowed the applicant qualifying service of ten years

for earning pension.

3. Aforesaid order is being assailed on the ground that vacancy was not of the year 1997-98, but it arose on 31.08.1999 and in view of the submissions made before this Court on 05.10.2015, sole respondent was directed to produce the records to substantiate his claim that the vacancies were of the year 1997-98.

4. The records being in the custody of the petitioners, it was expected of the Union of India to have contested the finding either before the Tribunal or placed the records before this Court to establish otherwise. Union of India having not placed any record contrary to the findings recorded by the Tribunal, we are of the view that the order passed by the Tribunal is not required to be interfered with by us. In this connection, we may also mention that sole respondent having joined the regular vacancy on 14.09.1999, he is short by only two weeks and on that score also the order does not require any interference.

5. The writ petition is, accordingly, dismissed, however, without cost.

(V.N. Sinha, J.)

(Aditya Kumar Trivedi, J.)

Arjun/-

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