

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3471 of 2016

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Suresh Britiya, Son of Sri Siyaram Britiya, resident of Village- Parsawan, P.S.-
Roshanganj, District- Gaya.

.... Petitioner/s

Versus

1. The Union of India through the Chief Post Master General, Bihar, Circle, Patna.
2. The Superintendent of Post Offices, Aurangabad, District- Aurangabad.
3. The Inspector of Post Office, Sherghati, Sherghati Sub-Division, District- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Udit Narain Singh, Advocate.
Mr. Ganjendra Kumar Singh, Advocate.

For the UOI : Mr. S.D.Sanjay, Additional Solicitor General
For the State : Mr. R.K.Roy, AC to GP 18

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 29-07-2016

The challenge in the present writ petition is to an order passed by the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the “Tribunal”) on 7th May, 2015, whereby an Original Application filed by the petitioner for setting aside the order of his dismissal remained unsuccessful.

The petitioner was convicted by the learned trial court on 31st May, 2008 in a criminal case for an offence under Section 366 of the Indian Penal Code in connection with Bankey Bazar P.S. Case No. 54 of 2001. His appeal against his conviction before this Court is pending final disposal.

On account of his conviction in the criminal case, services of the petitioner were dismissed on 21st November, 2011 in terms of Rule 11 of Gramin Dak Sevak (Conduct & Engagement) Rules, 2011.

Being aggrieved, the Petitioner filed an Original Application before the Tribunal. The Tribunal dismissed the Original Application and found that there is no basis to interfere with the said order which has been passed in compliance with earlier order of the Tribunal dated 4th March, 2011 in Original Application No. 611 of 2009.

Before this Court, learned counsel for the petitioner relies upon the judgment of the Supreme Court in the case of Union of India v. Tulsiram Patel, (1985) 3 SCC 398, to contend that such an order is illegal.

We have heard learned counsel for the petitioner and find no merit in the present case. Tulsiram Patel (supra) is dealing with dismissal in exercise of power conferred under Article 311(2) of the Constitution. Learned counsel for the petitioner could not explain that how the judgment in Tulsiram Patel's case is relevant and applicable to the facts of the present case where services of the petitioner were dispensed with on account of conviction in a criminal case. Therefore, reliance of the petitioner on such judgment is not tenable. Still further, it has not been pointed out as to how the dismissal order would be

rendered illegal and on what principle.

Since, the petitioner stands convicted for an offence under Section 366 of the Indian Penal Code, we do not find any error in the order passed by the disciplinary authority when his services were terminated on account of conviction. There is no error in the order passed by the Tribunal which may warrant interference in the present writ petition. The same is dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
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