

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.18274 of 2012**

- =====
1. The Union of India through the Secretary, Govt. of India, Ministry of Communications and I.T. Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
  2. The Director General, Govt. of India, Ministry of Communications and I.T. Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
  3. The Assistant Director General (D.E), o/o the Director General, Govt. of India, Ministry of Communications and I.T. Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
  4. The Director (V.P.) and the First Appellate Authority, Govt. of India, Ministry of Communications and I.T. Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
  5. The A.D.G. (D.E) and C.P.I.O., Govt. of India Ministry of Communications and I.T. Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
  6. The Chief Post Master General, Bihar Circle, Patna.
  7. The Assistant Director (Staff and Recruitment), O/o the Chief Post Master General, Bihar Circle, Patna.

.... .... Petitioner/s

Versus

Ishwar Pd., S/O Late Rohan Sao, Resident of Mohalla- Mirjapur, Gali No. 1, (Line Par), P.S- Nawada, District- Nawada.

.... .... Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Awadhesh Kumar Pandey, Advocate  
Mr. Ravindra Kumar Pandey, CGC

For the Respondent/s : Mr. Hemant Karan, Advocate  
Mr. Jayant Karan, Advocate

=====

**CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH**

**and**

**HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

**(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)**

**Date: 12-04-2016**

Heard learned counsel for the Union of India through the Postal Department and learned counsel for the contesting private respondent, who was the applicant before the Tribunal.

This writ petition is directed against the order of the



Central Administrative Tribunal, Patna Bench, Patna dated 29.02.2012, passed in O.A. No. 227 of 2009. The OA of the respondent in this writ petition was allowed and rightly so. The applicant before the Tribunal, who is the contesting respondent herein was a Postal Assistant. He was involved in a criminal case. By reason of being involved in a criminal case, he was not granted promotion though he was allowed to sit in the promotional examination. His results were withheld pending the criminal case. In due course of time his juniors were promoted whereas he was not promoted because of pendency of criminal case. He superannuated in 2006. In 2007, he was acquitted after full-fledged trial, on merit. Thus, the acquittal was an honourable acquittal. He then applied for his marks and in the year 2008 he was given his marks which he had secured in the promotional examination. He, accordingly, demanded that as he had secured more marks than many of his juniors who had been promoted, he should accordingly be granted promotion from the date his juniors were granted promotion, not only the initial promotion but subsequent promotion as well, because all were denied because of pendency of criminal case.

The Tribunal appreciating the fact rightly held that as promotion had been denied to him merely on the ground of pendency of criminal case, upon closure of the criminal case and by

virtue of acquittal, the applicant had to be granted the benefits which had been withheld. We see no reason to take a different view of the matter. The writ petition is, accordingly, dismissed.

**(Navaniti Prasad Singh, J.)**

**(Nilu Agrawal, J.)**

Arjun/Rajesh

|                   |            |
|-------------------|------------|
| AFR/NAFR          | AFR        |
| CAV DATE          |            |
| Uploading Date    | 18/04/2016 |
| Transmission Date |            |