

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16309 of 2014

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1. The Union of India through the Secretary-cum-D.G., Department of Posts, Dak Bhawan, New Delhi
 2. The Chief Post Master General, Bihar Circle, Patna
 3. The Post Master General, Northern Region, Muzaffarpur
 4. The Assistant Director-II, O/o the Post Master General, Northern Region, Muzaffarpur
 5. The Superintendent of Post Offices, Siwan Division, Siwan
 6. The Sub Divisional Inspector, Postal, Central Sub Division, Siwan

.... Petitioner/s

Versus

Sunita Kumari, W/o Sri Pragya Punj Kumar, R/o Village & P.O. Naimpur, Via – Pachrukhi, District – Siwan.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Anshuman Singh, CGC, UOI.

For the Respondent/s :

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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: 05-04-2016

The challenge in the present Writ Petition is to an order dated 29.04.2013 passed by the Central Administrative Tribunal, Patna Bench, Patna (for short “the Tribunal”) whereby the Tribunal allowed Original Application filed by the applicant so as to directing the present petitioner to release Time Related Continuity Allowance (TRCA) and other admissible allowances for the period October, 2009 to 14th July, 2011 and also statutory interest.



Initially, the applicant, the respondent herein, invoked the jurisdiction of the Tribunal when she filed O.A. No. 577 of 2009 before the Patna Bench of the Tribunal. Such an Original Application was allowed on 13.08.2010 when the order of cancellation of her appointment was set aside. The applicant was appointed as Gramin Dak Sevak Branch Post Master (GDSBPM) at Badram Branch Post Office. Her appointment was cancelled on 28.10.2009. It was the said order which was quashed by the Patna Bench of the Tribunal.

It is thereafter the applicant has been reinstated with the stipulation that she would not be entitled to any wages for the intervening period. The applicant claimed that she is entitled to TRCA and other admissible allowances for the period she was kept out of employment. It is the said application which has been allowed by the Tribunal.

Once, an order of cancellation of appointment has been set aside, the applicant is entitled to all the benefits as would have accrued to her as she was kept out of service on account of an action of the present petitioner.

In view of the said fact, we do not find any error in the order passed by the Tribunal which warrants interference by this Court. However, the applicant will be entitled to interest at the rate of 6% per annum on the amount of allowances which has been ordered

to be paid to her.

The Writ Petition stands disposed off accordingly.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Dilip/Anjani.

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