

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14055 of 2015

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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 Postmaster, Bihar Circle, Patna
 3. The Director Accounts (Postal), GPO Complex, Patna
 4. The Post Master General, Northern Region, Muzaffarpur
 5. The Superintendent of Post Offices, Purnea Division, Purnea

.... Petitioner/s

Versus

Chhedi Lal Pandit, Son of Late Gopal Pandit, Resident of Village and P.O. – Machhata, Via – Baisi, District - Purnea

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar(ASG)

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

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 04-01-2016

This writ petition has been filed by the Postal Department, being aggrieved by the order of the Central Administrative Tribunal, Patna Bench, Patna, dated 23.12.2011 passed in O.A. No. 794 of 2010.

2. Having heard learned counsel for the parties, we do not take cognizance of the delayed filing of the writ petition against the order of the Tribunal, for, in our view, the writ petition is liable to be dismissed on merits as well.

3. Having heard the parties, with consent, we are disposing of this writ petition at this stage itself.

4. The employee of the department was the applicant before

the Tribunal claiming pensionary benefits. Those benefits were denied on the ground that the employee had not completed ten years of continuous qualifying service. The plea of the employee was that he being an Extra Departmental Mail Carrier, was entitled to be absorbed in permanent service of the department. This was to be as against the vacancies for the year 1996-97, but because of fault of the department, the Departmental Promotion Committee (in short “DPC”) got delayed and consequently the applicant having joined fell slightly short of ten years continuous service. The plea of the employee was that they cannot suffer because of mistake or failure on the part of the department to promptly hold the DPC.

5. We agree with the submission. It is well settled that no person can take advantage of his own fault to the detriment of rights of others. There is no good reason why the DPC could not be held in time. Thus, there being no fault on the part of the applicant, the applicant cannot be deprived of his pensionary benefits.

6. We, accordingly, find no reason to interfere in the matter. The writ petition is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

B.K. Roy/Arjun

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