

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17429 of 2015

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1. The Union of India through the DG cum Secretary, Department of Posts, Dak Bhawan, New Delhi.
 2. The Chief Postmaster General, Bihar Circle, Patna.
 3. The Director Accounts (Postal), Patna GPO Complex, Patna.
 4. The Post Master General, Northern Region, Muzaffarpur.
 5. The Director of Postal Services (N), O/o the Postmaster General, Northern Region, Muzaffarpur.
 6. The Superintendent of Post Officers, Purnea Division, Purnea.

.... Petitioner/s

Versus

Jai Kumar, son of late Dukh Haran Prasad, resident of Mohalla- Madhubani Chunapur Road, P.S.-Khajanchi Haat, District-Purnea.

.... Respondent/s

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Appearance :

For the Petitioners : Mr. Sanjay Kumar (ASG)
For the Respondent : Mr. Mrigank Mauli, Advocate
Mr. Sanjay Kr. Singh, Advocate
Mr. Prince Kumar Mishra, Advocate

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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: 02-08-2016

The challenge in the present writ petition is to an order dated 21st of May, 2015 passed by the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as 'the Tribunal') whereby



an Original Application filed by the respondent (for short, 'the applicant') was allowed with the direction that if the final decision is not taken by the disciplinary authority within two months from the date of receipt of a copy of the order, then the proceedings and the charge memo against the applicant will be deemed to have been terminated and the retiral dues will be paid.

2. Mr. Mrigank Mauli, learned counsel for the applicant fairly admits that such direction is not sustainable and is result of misconception of law and facts.

3. Consequently, that part of the direction whereby it was ordered that disciplinary proceedings will be deemed to have been terminated is set aside. The applicant will be entitled to retiral dues after the conclusion of the disciplinary proceedings in accordance with law.

4. Learned counsel for the applicant pointed out that the disciplinary proceedings are pending for ten years and, therefore, this Court should direct the petitioners to conclude the departmental proceedings.

5. Mr. Sanjay Kumar, learned Assistant Solicitor General representing the petitioners, points out that enquiry proceedings have since been completed as the enquiry report has been submitted. The reply to the second show cause has been received and

that final decision is likely to be taken within six months.

6. The writ petition, thus, stands disposed of.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	
CAV DATE	N. A.
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