

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18794 of 2015

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Ramdeo Singh, S/O Late Yugal Singh, resident of Village- Sherpur, P.S.- Rauna Chakand, District- Gaya.

.... Petitioner/s

Versus

1. The Union of India, through the Director, General Post & Telegraph, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna- 800001.
3. The Senior Superintendent, Department of Post, Division Gaya, District- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Ravindra Kumar Sinha, Advocate

For the Respondents : Mr. Ram Anurag Singh, C.G.C

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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: 28-06-2016

The challenge in the writ petition is to an order dated 26th of May, 2015 whereby an Original Application filed before the Tribunal by the Petitioner was dismissed in default.

2. An Original Application was filed by the petitioner for claiming pension, G.P.F. amount, salary and promotional benefits was dismissed for default earlier as well. It was restored earlier on 01st of May, 2015. Again none appeared on behalf of the petitioner on 18th of May, 2015. When none appeared for the petitioner on 26th of May, 2015, the Original Application was dismissed for default with further stipulation that no further restoration will be allowed.

3. Learned counsel for the petitioner points out that it

was the mistake in noticing the date of hearing by an Advocate engaged by the petitioner and, therefore, for such mistake, the petitioner should not be burdened.

4. We have heard learned counsel for the parties and find that though the conduct of the petitioner in not prosecuting the Original Application with due diligence cannot be appreciated, but the fact remains that he has nothing to gain by not prosecuting the Original Application in which he is claiming benefits of the retiral dues. It is sheer negligence and carelessness which led to dismissal of the Original Application.

5. Therefore, in the interest of justice, we set aside the order passed by the Tribunal, restore the Original Application to its original number, but subject to payment of Rs.1,000/- (Rupees one thousand) as cost to be deposited with the Bihar State Legal Services Authority within one month.

6. The parties through their counsels are directed to appear before the Tribunal on 29th August, 2016.

7. With the aforesaid observation and direction, the writ petition stands allowed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	
CAV DATE	N. A.
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