

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18546 of 2015

- =====
1. The Union Of India through the Director General of Posts, Department of Post, Dak Bhawan, New Delhi.
 2. The Chief Postmaster General, Bihar Circle, Patna, (Bihar).
 3. The Director of Postal Services (HQ) Office of the Chief Postmaster General, Bihar Circle, Patna. (Bihar).
 4. The Senior Superintendent of Post Offices, Gaya Postal Division, Gaya (Bihar)
 5. The Director of Postal Accounts, Bihar, Patna. Petitioners.

Versus

Birendra Kumar Sharma, Son of Shri S.G. Sharma, Ex. Postman, Ghosi Under Senior Superintendent of Post Office, Gaya Postal Division Gaya, Resident of Village- Post Sanwan, Via- Dharut, District Jehanabad (Bihar)..... Respondent.

=====

Appearance :

For the Petitioners : Mr. Sanjay Kumar(ASG)

For the Respondents : Mr. M.P. Dixit.

=====

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 12-01-2016

Interlocutory Application No. 9380 of 2015 has been filed for stay of the impugned order dated 06.01.2015 passed by the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the 'Tribunal') passed in O.A. No. 322 of 2013.

Having heard the learned counsel for the Union of India and the learned counsel for the sole contesting respondent, instead of dealing with the matter of stay, with their consent, this case is being disposed of at this stage itself.

In paragraph 9 of the order of the Tribunal, the Tribunal

has noted as under:

Learned counsel for the applicant further submitted that the applicant was considered for the vacancy year 1997 when he was within stipulated age of 50 years and if the DPC could be held before completion of 50 years of age i.e. in the year 1997, the applicant would have completed 10 years of qualifying service and he would not have been deprived of getting his pension for shortage of the period i.e. 4 months.

In our view, the Tribunal is not wrong. Had the Departmental Proceeding Committee (hereinafter referred to as the 'DPC') been convened and taken a decision, the applicant before the Tribunal would have completed 10 years of service entitling him to pension. For the fault of D.P.C. in dealing with the matter belatedly, the application fell short by four months. It is elementary that for fault of another, the applicant cannot be made to suffer. Pension is a very valuable right. We find no merit in this writ petition. This writ petition is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

Rajiv/Arjun

(Nilu Agrawal, J.)

U			
---	--	--	--