

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15519 of 2012

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Bishwambhar Jha S/O Late Nandan Jha, Resident of at and P.O- Bhawanipur, P.S- Pandaul, District- Madhubani.

.... Petitioner/s

Versus

1. The Union of India Represented through Chief Post Master General Bihar Circle, Patna (Bihar)
2. The Post Master General, North Region, Muzaffarpur, (Bihar)
3. The Superintendent of Post Office, Madhubani Division, Madhubani (Bihar)

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Gopal Jha, Advocate
Mr. Kr. Chandra Shekhar, Advocate
For the Union of India : Mr. Ram Anurag Singh, CGC

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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: 05-04-2016

Heard the learned counsel for the parties.

The present writ petition has been filed by the petitioner whose application was rejected by the Central Administrative Tribunal, Patna Bench, Patna by order dated 10th of April, 2012 as passed in O.A. No. 502 of 2009.

The petitioner was initially selected and appointed to the post of Extra Departmental Delivery Agent (EDDA for brevity). Having worked there for quite sometime, he was transferred to D. Nathwan branch office on the post of Gramin Dak Sewak Branch Postmaster (GDSBPM for brevity). He was again transferred on the same post. Fresh advertisements were issued in respect of those posts

but selection process was not finalized. Petitioner now prayed before the Tribunal that he should be regularised as GDSBPM and posted accordingly. Department rejected his claim, so also the Tribunal. Learned counsel for the petitioner submits that having worked for such a long time as GDSBPM he should be regularised on that post. He submits that he being over-age, even if that post now is to be advertised on which he has been working for last decade, he cannot apply.

Having considered the matter, in our view, the cadre of EDDA is entirely different from the cadre of GDSBPM. Both are independent selection posts. It is only due to administrative exigency where one Branch Postmaster was discharged from service and in other case where a Branch Postmaster retired, petitioner was posted there as such. He was neither selected nor recruited on the post of GDSBPM. His parent cadre was that of EDDA. He cannot, thus, claim absorption or regularization as GDSBPM.

We see no error in the order of the Tribunal. The writ petition is dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Arjun/Rajesh/-

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