IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 11324 of 2012

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1. The Union of India through the D.G.-Cum-Secretary, Ministry Of Post, Dak Bhawan, New Delhi
2. The Chief Post Master General, Bihar, Patna
3. The Post Master General, Bihar, Patna
4. The Post Master General, Northern Region, Muzaffarpur
5. The Superintendent of Post Office, Sitamarhi Division, Sitamarhi

.... Petitioner/s

Versus

Kameshwar Choudhary Son Of Late Muni Lal Choudhary Resident Of Village Dhurwar, P.O. Parsauni, District Sitamarhi

.... Respondent/s

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For the Petitioner/s : Mr Sanjay Kumar, ASG

For the Respondent/s : M/s Hemant Kr Karn & Jayant Kr Karn, Advocates

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH
&
HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 01-04-2016

The Department of Post, through Union of India, is aggrieved by the judgment and order of the Central Administrative Tribunal, Patna Bench, Patna (for brevity, *the Tribunal*) dated 25.01.2011 in OA No 37 of 2010.

2 We have heard the Assistant Solicitor General for Union of India and learned counsel for the applicant, that is, the employee. We have gone through the order of the Tribunal in detail and the records.

3 The Tribunal has noted that the applicant had encashed Kisan Vikas Patra as sent by the Department itself after intimating the issuing bank and having made payment, again intimated the issuing branch without any objection being there. It is subsequently that

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enquiries had revealed that the said Kisan Vikas Patra was forged and not valid. Upon departmental proceeding initiated, though the enquiry officer gave a report adverse to the applicant, the disciplinary authority virtually exonerated the applicant but imposed a minor punishment of censure. The employee filed an appeal against this. The appeal having been rejected, the appellate authority suo motu then, in exercise of revisional power, issued notice for enhancement of punishment and then found him guilty and directed recovery of Rs 1,20,000/- in 30 equal instalments and other punishments were awarded. The Tribunal quashed the said and we see no reason to interfere. Firstly, the revisional power was exercised beyond time. The Tribunal held that if the authorities were exercising the revisional power to enhance punishment, it had to be done in the manner prescribed and not beyond that. We agree with the Tribunal. In the facts noted above, we see little reason for interference. The Tribunal has given liberty to take such other steps as may be available. We see no reason to interfere here also.

4 Thus, we do not find any ground is made out for interference at all. This application is, accordingly, dismissed.

(Navaniti Prasad Singh, J)

(Nilu Agrawal, J)

M.E.H./-

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