IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6447 of 2017

==

1. Union of India through the Secretary cum D.G., Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna.
3. The Director Accounts (Postal), GPO Complex, Patna.
4. The Sr. Superintendent Post Offices, Saran Division, Chapra.

.... Petitioners

Versus

Rameshwar Rai, S/o Late Thakur Rai, R/o Village & P.O.- Sarari, P.S.- Ekma, District- Saran.

.... Respondent

==

Appearance :
For the Petitioner/s : Mr. Sanjay Kumar(ASG)
For the Respondent/s : Mr.

==

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
And
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)
Date: 31-07-2017

Heard learned counsel for the Union of India and learned counsel for the private respondent.

Shorn of other disputes and details, the facts not in dispute is that the private respondent, who was applicant before the Central Administrative Tribunal (hereinafter referred to as the “Tribunal”), Patna Bench, Patna, was promoted to Group-D post vide office memo dated 02.08.2001. He joined on the said post on 06.08.2001 and superannuated on 31.01.2011.

Since, it is an admitted position that the private respondent acquired a temporary status prior to his consideration for regularization, the Tribunal ordered that 50% of the service rendered under temporary status has to be counted for the purposes of retirement benefit. This observation flew from clause-6 of the scheme of the petitioners, which is said to be dated 15.05.1991.

The Tribunal, therefore, has given a direction upon the petitioners that the shortfall which is being talked about in settlement of retirement dues of the private respondent is required to be recalculated by counting 50% of the earlier period, the private respondent spent on the temporary status.

The recent decision of the Hon'ble Apex Court in the case of **Union of India and others Vs. Rakesh Kumar and others** since reported in **2017 (3) PLJR 83(SC)** supports the logic of the Tribunal. Therefore, the challenge thrown to the impugned order dated 24.02.2016 passed in O.A. No. 186/2011 by the Tribunal seems to be misplaced.

No interference is warranted with the order of the Tribunal. The writ application stands dismissed.

(Ajay Kumar Tripathi, J.)

(Rajeev Ranjan Prasad, J.)

Rajeev/-

U			