

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.7746 of 2016**

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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, Postal Services (HQ) Office of Chief Post Master General, Bihar Circle, Patna (Bihar).
  4. The Director Postal Services (North Region), Muzaffarpur (Bihar).
  5. The Director, Postal Training Centre, Darbhanga (Bihar).
  6. The Superintendent of Post Offices, Champaran Division, Motihari (Bihar).

.... .... Petitioner/s

Versus

1. R. C. Mandal, Son of Late Yugeshwar Mandal, Sub Divisional Inspector of Post, Central Sub Division, Bihar Sharif, Nalanda (Bihar) now working as Inspector of Posts, North Sub Division, Raxaul, Motihari (Bihar).

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar, ASG

For the Respondent/s : Mr. M. P. Dixit,  
Mr. S. K. Dixit, Mr. Sanjay Kumar Choudhary  
Mr. Shailendra Kumar & Mr. Sunil Kumar

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

**and**

**HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

**(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)**

**Date: 31-01-2017**

The sole respondent in the present writ application was the applicant before the Central Administrative Tribunal, Patna Bench, Patna. He filed O.A. No. 656 of 2010 after the Chief Post Master General, Bihar Circle, Patna passed an order dated 10.09.2009 confirming the order of the Director, Postal Services dated 31.10.2007. Both came to the same conclusion that a penalty of reduction to a lower stage by three stages from Rs.7950/- to 7425/- for a period of two years effective on 01.11.2007 was required to be imposed upon the private respondent.



2. Both the orders of punishments dated 10.09.2009 and 31.10.2007 was quashed by the Central Administrative Tribunal, Patna Bench, Patna and the application allowed vide order dated 06.08.2014. So the writ.

3. Way back on 14.08.2002, a charge memo was drawn up against the private respondent while he was working as an Inspector of Posts, North Sub-division, Jhanjharpur in relation to his conduct while recruiting or making appointment on the post of E.D. Packer at Laukaha for the period 1998-2001. The sum essence of the allegation is that the private respondent manipulated things in such a manner that the local authorities were not in the know of the vacancies and applications were received from far and distant places and this was done with an object and purpose.

4. An enquiry was held. The Enquiry Officer did not find the private respondent guilty in his report dated 18.02.2004. A disagreement note was issued by the Director, Postal Services, Northern Region. This was suitably replied too by the delinquent. However, it is said that in a mechanical manner the note of disagreement was taken to be sacrosanct and the punishment came to visit.

5. Besides the factum of exoneration of the private respondent by the Enquiry Officer, it seems that such appointment led to other litigations in the past and in those litigations, from time to



time, judicial orders have been passed by the Tribunal and all those aspects have been culled out and put together. The Tribunal has taken note of the fact that there was a finding in the previous O.A. No. 649 of 2001 that there was proper advertisement. In yet another litigation before the Tribunal, fact has emerged that nothing tangible as such came to be found with regard to the manner in which such selection and appointment was done by the private respondent. The Tribunal refused to upturn the earlier findings of facts on mere repeated assertions by the present petitioners that things were drastically amiss in the manner the selection and appointment was done by the private respondent.

6. With the above materials, the Tribunal reached only one conclusion that the petitioners and the superior authorities failed to meet the reasonings advanced by the Enquiry Officer who did not find the private respondent guilty of the charge. There was a laboured effort made by the superior authorities to punish the private respondent contrary to the evidence and the materials of wrong doing.

7. Learned Assistant Solicitor General, representing the Union of India, more or less, reiterates the submission which was made before the Tribunal and those submissions relate to the charge which was drawn up against the private respondent. Mere repetition of those allegations and casting doubts about the selection made may have been good enough for initiation of the proceeding but for



imposition of punishment, which has serious consequences for an employee, something much more of a higher order by way of evidence is required to emerge before a court of law can justify and uphold the punishment order.

8. The Tribunal, therefore, has rightly come to the conclusion that the findings, both in the enquiry report as well as the other findings in other legal proceedings of coordinate Benches of the Tribunal, does not add up to establish guilt of the private respondent and, therefore, the conclusion reached by the Tribunal that the order of punishments were not sustainable seems to be correct and no interference is warranted with the order of the Tribunal.

9. This writ application has no merit. It is dismissed as such.

**(Ajay Kumar Tripathi, J)**

**(Nilu Agrawal, J)**

Amin/-

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