

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2003 of 2017

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Ranjan Kumar Sah S/o Sri Raj Deo Sah resident of Village & P.O. - Sirisia, Via - Sahpur, District - Siwan.

.... Petitioner/s

Versus

1. The Union of India through the Secretary Cum D.G. , Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna.
3. The Postmaster General, Northern Region, Muzaffarpur.
4. The Director of Postal Services, Northern Region, Muzaffarpur.
5. The Superintendent of Post Offices, Siwan, District Siwan.
6. The Inspector Post, Siwan West Sub Division, Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Hemant Kumar Karn, Advocate Mr. Jayant Kumar Karn, Advocate Mr. Sujeet Kumar, Advocate
For the Respondent/s	:	Mr. S.D. Sanjay, Addl. Solicitor, General Mr. Rajesh Kumar Verma, CGC

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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: 04-05-2017

Since the Central Administrative Tribunal, Patna Bench, Patna dismissed O.A. No. 498 of 2016 on 19th December, 2016, which was filed by the present petitioner, and the removal of the petitioner in exercise of power under Rule 8 of the Gramin Dak Seva (Conduct and Engagement) Rules, 2011 was not interfered with, the present writ application has been preferred.

The appointment of the petitioner on the post of Gramin Dak Sevak/MC became a subject matter of controversy because the



Appointing Authority did not follow the procedure and maintain fairness in selection. The details of the same has been dealt with in the order of the Tribunal. The superior authorities on examination of the matter did reach the conclusion that a fair procedure was not followed in the selection and appointment and, therefore, since the petitioner was still under probation, which is for a period of three years, the power under Rule 8, which is similar to Central Government Temporary Service Conditions Rules, was invoked. Such termination simplicitor was without any stigma. However, argument was made before the Tribunal that no proper procedure was followed, which has been negated by the Tribunal in following words:

“5[f] This Tribunal has considered it necessary to quote extensively the finding and grounds recorded in the impugned order at Annexure A/10 since they clearly speak for themselves and leave no room for doubt that, indeed, the appointment process, which resulted in the appointment of the applicant, was replete with irregularities, procedural violations and was also patently unjustifiable. That being the case, there was every justification for the respondents to cancel the appointment on discovery of these glaring irregularities. It is also amply clear to this Tribunal that the beneficiary of this grossly irregular and flawed process of



appointment i.e. the applicant, cannot claim to have acquired either any legally enforceable right; nor have any rights vested him merely because an order of appointment was issued to him by a sleight of hand.

6. In view of the above, this Tribunal finds no basis to interfere with the orders passed by the respondents on 08.07.2016 [Annexure A/10], in compliance of the earlier directions of this Tribunal, dated 01.02.2016 (Annexure A/7). That the case of the applicant has received full and fair consideration and due opportunity has also been granted to him to defend his position. Lastly, that the respondents had every right to invalidate the grossly irregular appointment. In the result, the reliefs prayed for in para 8 are denied and the O.A. is dismissed with no order as to costs.”

The Court would also like to note that similar matter had also come before this Court for consideration and vide a detailed order dated 24.04.2017 passed in C.W.J.C. No. 2938 of 2017, the Court had upheld the decision of termination simplicitor to be valid and refused to interfere with the order of the Tribunal.

The present case being no different, even the rationale and reasoning, which was provided for in the said writ application, also



applies to the present writ as well.

The writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

Arjun/-

AFR/NAFR	NAFT
CAV DATE	NA
Uploading Date	09.05.2017
Transmission Date	NA

