

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6420 of 2017

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Ram Chandra Paswan, son of Late Harkit Paswan, resident of village & P.O. – Fulmalik Via – Askamal, District – Begusarai.

.... Petitioner

Versus

1. The Union of India through the Secretary-Cum-D.G., Department of Posts, Dak Bhawan, New Delhi.
2. The Member (P), Postal Services Board, Government of India, Ministry of Communications & IT, Department of Posts, New Delhi.
3. The Chief Postmaster General, Bihar Circle, Patna.
4. The Director of Postal Services (Hq) O/o The Chief Postmaster General, Bihar Circle, Patna.
5. The Postmaster General, Northern Region, Muzaffarpur.
6. The Superintendent of Post Office, Begusarai Division.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Hemant Kumar Karan, Advocate
Mr. Jayant Kumar Karn, Advocate
Mr. Sujeet Kumar, Advocate
For the Respondents : Mr. S.D Sanjay (Addl. Soc. Gen.)
Mr. Anjani Kumar Sharan, C.G.C.

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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: 18-05-2017

Heard learned counsel for the petitioner and
learned counsel for the Union of India.

The petitioner was convicted by a criminal court of law. That order of conviction stood the test of time both at the level of the High Court and the Hon'ble Apex Court. After the conviction, respondent authorities while invoking Rule 19(i) of CCS(CCA) Rules, 1965, on the basis of conviction earned by the petitioner compulsorily retired him from service. The



Tribunal, after hearing the parties, did not interfere with the said order despite a strong strenuous advocacy of learned counsel for the petitioner before the Tribunal.

Since the conviction of the petitioner has been upheld right up-till the Apex Court, therefore, no doubt can be cast on the conviction and sentence imposed as such. Even under the constitutional scheme of things under Article 311(2) proviso, once a person stands convicted by a court of law on criminal charges, then, no inquiry is required to be held before any decision for dismissal, removal etc.

There is a corresponding provision even under CCA Rules, therefore, in the above circumstances the order of compulsory retirement which cannot be said to be an unreasonable order is not required to be interfered with.

Thus, we find no merit in this writ application. It is, accordingly, dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

Rajeev/NAFR

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