

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11639 of 2016

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1. The Union of India through the D.G. cum Secretary, Department of Posts, Dak Bhawan, New Delhi
 2. The Chief Postmaster General, Bihar, Circle, Patna
 3. The Director, Postal Services (HQ) Office of the Chief Postmaster General, Bihar Circle, Patna .
 4. The vigilance Officer, O/o the Chief Postmaster General, Bihar Circle, Patna
 5. The Superintendent of Posts Offices, Aurangabad Postal Division, Aurangabad

.... Petitioners

Versus

Alakhdeo Singh Son of late Sheo Nandan Singh resident of Village- & P.O.- Manjurahi, Police Station- Aurangabad, District-Aurangabad

.... Respondent

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Appearance :

For the Petitioners : Mr. Anjani Kumar Saran, A.S.G.

For the Respondent : Mr. Anirudh Kr. Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

And

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 10-07-2017

Heard learned counsel for the petitioners and
learned counsel for the respondent.

When the writ application was taken up for
consideration on 02.05.2017, the Postal Department was
directed to file an affidavit and explain the delay in filing
the writ application after almost four years of the order
passed by the Central Administrative Tribunal, Patna
Bench, Patna. The impugned order is dated 03.09.2012
but the writ application was filed only on 23.07.2016.

In addition to that the court also wanted to



know as to what formula or parameters were adopted in fixing responsibility and effecting recoveries. A supplementary affidavit on behalf of the Postal Department has been filed. The reasons provided for delay is laughable to say the least and it shows complete incompetence of the authorities at the helm of affairs. The Court is not willing to accept the explanation that the Department kept writing letter to the former Assistant Solicitor General for preferring appeal, when a change of guard had already been effected for years. There cannot be better example of apathy on behalf of the Postal Department on such a vital or significant information, which is circulated to all the departments whenever there is a change of panel of counsels for Union of India. Therefore, the reason for delay, in the opinion of the Court, was deliberate with the object of helping the private respondent, whoever may be behind.

So far as the formula or the parameter, which was used for fixing liabilities, are concerned, there does not seem to be any kind of uniformity which has been adopted or used and the details provided in the supplementary affidavit especially in paragraph 17 itself would be indicator that it was more to do with subjectivity than objectivity. Since the court is not satisfied on either



of the two grounds, We are not inclined to interfere with the order dated 03.09.2012 passed by the Central Administrative Tribunal, Patna Bench, Patna in O.A. No. 330/2010, especially when nothing glaring in terms of illegality in the rationale and reasoning provided by the Tribunal emerges from its perusal, or is submitted in this regard by the petitioners.

The writ application has no merit, it is dismissed, accordingly.

(Ajay Kumar Tripathi, J.)

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
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