

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.3 of 2016

IN
Civil Writ Jurisdiction Case No. 772 of 2015

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1. J.P. Mandal Son of Late D.P.Mandal Office Superintendent (H.S.G. - I), Office of the Chief Post Master General, Bihar Circle, Patna, Resident of Village - Kahalgaon Tola, PO - Khawaspur, P.S. - Pirpanti, District - Bhagalpur (Bihar)

.... Petitioner/s

Versus

1. The Union of India through the Director General of Post, Ministry of Communication, Department of Post, Sanchar Bhawan, New Delhi.
2. The Chief Post Master General, Bihar Circle, Patna.
3. The Director, Postal Service (HQ), Office of the Chief Post Master General, Bihar Circle, Patna.
4. The Director, Accounts of Post, Patna (Bihar).
5. The Assistant Director (Staff & Rectt.), Office of Chief Post Master General, Bihar Circle, Patna (Bihar).
6. The Additional Director General of A.P.S., C/o 56, A.P.O.
7. The Officer Incharge, P & T Admn. Cell, Kamptee, A.P.O., C/o 56, A.P.O.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr P.N.Shahi, Sr. Advocate Mr. Munna Pd Dixit (M.P. Dixit) Mr Sanjay Kumar Chaubey
For the Respondent/s	:	Mr. S.D.Sanjay, Addl. S.G. Mr Ravindar Kumar Sharma, 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: 16-05-2017

Heard learned senior counsel for the petitioner and
learned Additional Solicitor General representing Union of India.

Review has been sought of the order dated 01.09.2015.

The thrust of the argument is directed against the observation of the
Division Bench in paragraph 3 of the order, which reads as under :

“3. The only plea taken by the contesting respondent is that as he was the only Scheduled Tribe candidate, and there being vacancies at different grades, all in the year 1982, he rightly claimed and the Chief Post Master General rightly granted him all three grades in the same year, one after another. We are afraid, we cannot subscribe to the view. In



the year 1976 statutory rules were enacted. The rules do not provide for any such exception. Even otherwise, the service jurisprudence does not permit such escalation or increment, all rolled into one year. A person gets appointed to the cadre of U.D.C. and the same year he gets Selection Grade, Higher Selection Grade-II and Higher Selection Grade-I. It is unimaginable.”

A submission is made that there is an exception to Rule and in this regard attention of this Court was drawn to Annexure- B, especially the saving clause.

This Court fails to understand as to how that provision can override, if at all, the basic principles of service jurisprudence. The effort being made in the present review application is basically to beget and hang on to the relief which the Division Bench has held as not permissible.

There is no error apparent either of fact or law in the order of the Division Bench, which needs rectification in the review application.

Review is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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