

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1990 of 2017

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Dastgir Alam S/o Mehdi Hadan, Resident of Village-Rampur, P.O.-Sarsar, District-Siwan.

.... Petitioner/s

Versus

1. The Union of India through Secretary cum D.G., Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Postmaster General, Bihar Circle Patna.
3. The Chief Postmaster General, Northern Region, Muzaffarpur
4. The Director of Postal Services, Northern Region, Muzaffarpur
5. The Superintendent, of Post Offices, Siwan Division, Siwan.
6. The Inspector Posts, 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 Mrs. Renuka 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: 04-05-2017

Since the Central Administrative Tribunal, Patna Bench, Patna dismissed O.A. No. 365 of 2014 on 23rd 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.

2. 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:

“We have heard the parties and perused the records. It is noted that the applicant was appointed on 24.05.2013 and has been terminated vide order 10.05.2014 in less than one year without any adverse aspersion against the applicant. From perusal of the documents, we do not find that the order was passed at the behest of the superior authority but, because of irregularities committed during the selection procedure which has not been denied by the applicant by way of rejoinder. Further the orders referred by the applicant are interim orders which have no binding effect on final disposal. Therefore, we do find any reason to interfere with the decision of the



respondents as under Rule 8, termination can be done if period is less than 3 years and that too without any stigma against the applicant.”

3. 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.

4. 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.

5. The writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

Arjun/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05 .05.2017
Transmission Date	NA

