

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15567 of 2017

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Arjun Kumar Sinha, Son of Late Gulab Chand Prasad, Resident of Village & Post Office- Pillich, P.S.- Parwalpur, District- Nalanda (Bihar), Pin-803114.

.... Petitioner/s

Versus

1. The Union of India through the Secretary-cum-Director General, Department of Posts, Government of India, Dak Bhawan, Sansad Marg, New Delhi- 110001.
2. The Chief Postmaster General, Bihar Circle, Meghdoot Bhawan, Patna- 800001.
3. The Postmaster General, East Region, Bhagalpur at Patna, Meghdoot Bhawan, Patna- 800001.
4. The Director Postal Services, Central Region, Bihar Circle Meghdoot Bhawan, Patna- 800001.
5. The Director Postal Services, East Region, Bhagalpur at Patna, Meghdoot Bhawan, Patna- 800001.
6. The Superintendent of Post Offices, Nalanda Division, Bihar Sharif, PIN- 803101.
7. The Inspector of Post Offices, Nalanda Central Sub Division, Bihar Sharif- 803101.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Om Prakash Singh, Adv.

For the Respondent/s : Mr. Anjani Kumar Sharan, Asstt.S.G.

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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: 20-11-2017

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

The O.A. application, which was registered as O.A.423 of 2017 by the Central Administrative Tribunal, Patna Bench, Patna filed on behalf of the present petitioner, was dismissed on 25.07.2017. The basic reason for dismissing the O.A. application was that the petitioner was dismissed from service way back in the year 1996 for



certain serious charges of omission and commission after a validly held departmental proceeding.

No doubt because there was an element of criminality also involved, a criminal case was instituted against him in which he has been exonerated in the year 2016. Exoneration of the petitioner by the criminal court became a cause of action for the petitioner to seek quashing of the order of his dismissal.

The Tribunal has held that 1996 decision cannot be assailed after more than two decades specially when the order of dismissal was not based on criminal court decision, but was based on an independent departmental enquiry where he was found guilty.

Both the reasons given by the Tribunal are not erroneous decisions. There was no occasion for the Tribunal to entertain such claim and interfere with the dismissal order of 1996.

Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	
CAV DATE	
Uploading Date	22.11.2017
Transmission Date	

