

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1298 of 2015
IN
Civil Writ Jurisdiction Case No. 10497 of 2011**

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1. Deep Sikha Bharti, D/o Sri Nawal Kishore, Resident of Village- Lallu Pokhar, Mishra Colony, P.S. Kasim Bazar, District- Munger.

.... Appellant/s

Versus

1. The Union of India through the Secretary, Department of Post and Telegraph, Government of India New Delhi.
2. The Chief Post Master General, G.P.O., Patna
3. The Postal Superintendent, Munger Circle, Munger.
4. The Post Master, G.P.O., Munger
5. The Post Master, G.P.O., Jamui.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr Banwari Sharma
Mr. Karuna Nath Sahay
For the Respondent/s : Mr. S.D.Sanjay, Addl. Sol. General

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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: 10-01-2017

Delay of 92 days is condoned under the circumstances indicated in IA No.5645 of 2015. The matter is even heard on the merits.

Appeal is directed against the order passed by a learned Single Judge dated 2.7.2014 in CWJC No.21702 of 2011 and CWJC No.10497 of 2011. Submission of the counsel for the appellant is that the impugned order suffers from the vice that no administrative order could have been passed freezing the accounts of the family members by the Postal authorities and this aspect of the matter was not properly considered by the learned Single Judge



which is a good ground for setting aside the order and interfering with the said decision.

After having heard counsel for the appellant and learned Additional Solicitor General for Union of India, who informs the Court that the CBI after due investigation has filed charge sheet against not only the employee but even the family members, then the learned Single Judge has rightly held that the proper forum for such relief could be the Court having jurisdiction on the matter.

The submission of the counsel that only on the basis of allegations nobody should be held guilty is absolutely correct but then the forum for giving a clean chit will be the criminal court where charge sheet has been filed. The appellant is free to move the said forum for passing any kind of order with regard to freezing of the accounts. The court will be free to take a decision on its own merit irrespective of whatever the learned Single judge may have said in the impugned order.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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