

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.393 of 2018

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Bameshwar Singh S/o Late Maddu Singh, R/o Village and P.O.- Dema (Fatehpur),
P.S.- Khizersarai, District- Gaya.

.... Petitioner/s

Versus

1. The Union of India through the Secretary Cum D.G. Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Post master General, Bihar Circle, Patna.
3. The Director of Postal Services (H.Q.) O/o. the Chief Post Master General, Bihar Circle , Patna.
4. The Director of Accounts (Postal) Patna G.P.O. Campus , Patna.
5. The Senior Superintendent of Post Offices, Gaya Division, Gaya.
6. The Senior Post Master, Gaya Head Post Office, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar, Adv.
For the Respondent/s : Mr. S.D Sanjay (ADDL. SOC. GEN.)
Mr. Satyavrat Verma, C.G.C.

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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: 23-02-2018

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

Writ has been preferred against the order dated
04.08.2017 passed by the Central Administrative Tribunal, Patna
Bench Patna in O.A. No. 203 of 2014. The following reliefs were
prayed for in the O.A. application:



- “1. Memo No. PF/Bameshwar Singh/dtd at Gaya the 23.04.2013 issued Sr. Postmaster, Gaya Head Post Office, Gaya as contained in Annexure A/3 may be quashed and set aside.
2. Memo No. B2-1/Gen.Corr/2013 dated at Gaya 29.01.2014 issued by the Sr. Superintendent of Post Offices, Gaya Division, Gaya as contained in Annexure a/5 may be quashed and set aside.
3. The respondent authorities may be directed to regularize the period of suspension w.e.f. 16.05.2001 to 31.01.2004 as on duty for all purposes on account of his acquittal in the criminal case.
4. The respondent authorities may be directed to allow the applicant all his monetary benefits of his annual increments ever since he joined in Postman Cadre, TBOP, DCRG, Leave Encashment, Commutation of Pension.
5. The respondent authorities may be directed to allow the monetary benefits to the applicant along with statutory admissible interest thereupon.
6. The cost of litigation and compensation towards harassment of applicant may be assessed and allowed to applicant by awarding the same upon the respondents.
7. Any other relief/reliefs as the applicant is



entitled and your Lordships may deem fit and proper in the ends of justice.”

Petitioner was an accused in a criminal case under several Sections of the I.P.C. including Section 302. He came to be acquitted by the trial court vide order dated 28.02.2005. Petitioner superannuated on 31.01.2004 while he was still in jail. After his acquittal, the terminal benefits have been paid and the period from 16.05.2001 to 31.01.2004, the period under suspension, was to be treated on leave.

Submission of the counsel for the petitioner is that since his acquittal was an honorable one, therefore, not only dignity has been restored but even the taint vanished because the accusation no longer stands. He should have been treated to be continuously in employment and on duty and the stand and decision taken by the Senior Superintendent, Post Offices, Gaya Division Gaya seems to be irrational and arbitrary.

Yet another statement is made that in identical situation, example of which has been given, the authorities have granted all the consequential benefits for the period under suspension, therefore, discriminatory stand is being taken so far as petitioner is concerned.

Since the acquittal of the petitioner was an honorable one and not a technical acquittal, therefore, whatever taint or allegations



which were made against him for which he had to suffer incarceration during the period of trial cannot stand against him. His dignity has to be restored and it has to be treated as if the event never occurred.

In view of the same, the order of the Tribunal is modified and direction is issued upon the respondent authorities to treat the period during which the petitioner was under suspension to be on duty and give him all the benefits for which he is entitled to by virtue of the said direction.

Decision in this regard must be taken preferably within a period of three months from the date of production of a copy of this order.

Writ is allowed.

(Ajay Kumar Tripathi, J)

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(Nilu Agrawal, J)

Devendra/Arjun

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.02.2018
Transmission Date	NA

