

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9916 of 2018

- =====
1. Union of India through the D.G. Cum Secretary, Department of Posts, Dak Bhawan, New Delhi.
 2. The Chief Postmaster General, Bihar Circle, Patna.
 3. The Director Accounts (Postal), GPO Complex, Patna.
 4. The Postmaster General, Northern Region, Muzaffarpur.
 5. The Superintendent of Post Offices, Siwan Division, Siwan.

.... Petitioner/s

Versus

Laxman Prasad Singh Son of Late Bhagirath Prasad Singh Resident of Village & P.O. Dhanauti, P.S. Daranda, District - Siwan.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Anjani Kumar Sharan

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 18-06-2018

The Postal Department and its functionaries are petitioners before this Court.

The writ is directed against the order dated 27.11.2017 passed by the Central Administrative Tribunal, Patna Bench, Patna in O.A. No. 06 of 2017. Since the Central Administrative Tribunal, Patna Bench, Patna has allowed the O.A. in favour of the private respondent and given direction for grant of pension treating the



minimum 10 years of qualifying service to have been rendered by the private respondent keeping in view similar reliefs having been granted in identical matters.

Having observed the factual position that even though private respondent had worked under the Postal Department for almost 30 years having been initially engaged on 21.07.1972 and it was because of the delay caused in holding DPC within time, and benefit of substantive appointment on a Group-D cadre was granted only on 06.08.2003, that, when he superannuated on 30.06.2011, the 10 years figure did not add up in his favour.

The Tribunal, however, had this to say as the justification for allowing the O.A.:

*“ Inasmuch as several decisions have been rendered by this Tribunal in favour of the Group-D who due to late holding of DPC have been prevented from completing 10 years service in Group-D and were deprived of their pension, were allowed pension by this Tribunal on the ground that the department had held examinations for promoting the GDS who were above 50 years in violation of circular of the department of Posts dated 25.08.1993 and in view of this decisions of Hon’ble High Court Patna passed in case of **Ram Vilas V/s State of Bihar CWJC No. 2947/1999** wherein the Hon’ble High Court held that the*



applicant therein could not complete the qualifying period as DPC was held delayed for the lapses on the part of the department in holding DPC, the applicant would made to suffer for no fault of his. This Tribunal having such cases directed the department to grant pension taking the services of the said applicant as minimum qualifying services, I find no reason or logic to take a different view from what has been enumerated hereinabove, and upheld by the Hon'ble High Court at Patna."

In our opinion if the Tribunal has been taking consistent view in similar matters and such a view is justified by judicial precedents, the challenge which has been made to such an order in the present writ application is required to be negated as we do not find any infirmity in the view so taken by the Tribunal.

A welfare State, which the Union of India is, has an obligation towards its citizens and especially those who are at the bottom of the ladder and are low paid employees. Some body who has rendered his entire productive years under the service of the Union of India i.e. the Postal Department cannot be left on the street to fend for itself despite no infirmity or omission on his part to earn that social security for which every employee at the evening of his life looks forward to.

The Court is not inclined, therefore, to interfere with the



order dated 27.11.2017 passed by the Central Administrative Tribunal, Patna Bench, Patna.

Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Devendra/Arjun

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	22.06.2018
Transmission Date	NA

