

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7530 of 2019

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Md. Jumman Mansoori, Son of Late Md. Dasai, Resident of Village and P.O.-
Lalmania, Via-Laukaha, District-Madhubani

... .. Petitioner/s

Versus

1. The Union of India, through the Secretary-Cum-Director General, Government of India, Ministry of Communication and Information Technology, Department of Posts, Dak Bhawan, New Delhi-110116.
2. The Assistant Director General, D.E., Government of India, Ministry of Communication and Information Technology, Department of Posts, Dak Bhawan, New Delhi 110116
3. The Chief Post Master General, Bihar Circle, Patna-800001.
4. The Post Master General, Northern Region, Muzaffarpur-842001.
5. The Superintendent of Post Offices, Madhubani Division-847211.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Abu Haidar, Advocate Mr. Md. Abu Shajar, Advocate
For the Respondent/s	:	Mr. S.D. Sanjay, ASG Mr. Anshay Bahadur Mathur, CGC

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-04-2019

Heard Shri Md. Abu Shajar, learned counsel for the
petitioner.

2. The challenge raised in this petition is to the order
dated 8th of February, 2019 passed by the Central Administrative
Tribunal, Patna Bench, Patna, where the prayer made by the
petitioner to provide a copy of the relevant extract of the record



retention policy and also about the confirmation that the records have been weeded out has been declined.

3. It is evident that the petitioner had approached the Tribunal after almost 20 years and, according to the affidavit filed in support of this writ petition, he has disclosed his age to be 75 years. The claim was therefore highly belated but the learned counsel contends that about 14 years ago, he had filed an Original Application No.158 of 2004 that had been disposed of on 24th of February, 2004 with a direction that such information should be provided to the petitioner. The order passed by the Tribunal in the said application is extracted hereunder:

“Heard Shri J.K. Karn, learned counsel for the applicant. The applicant has prayed for directions to the respondents to publish and announce the result of the applicant for the P.S. Group-B Examination 1997, held on 21st December, 1999, and to promote the applicant in the grade of Postal Assistant with effect from the date the other persons have been promoted with all consequential benefits.

2. The applicant has prayed for above reliefs on the ground that on re-examination of one paper, he has qualified the examination and his ACRs were also called for in the year 2003 for consideration of his case for promotion to the grade of Postal Superintendent, but till date the respondents have not passed any orders to deny him promotion and the applicant is due to retire on 29th of February, 2004.

3. The applicant has also preferred various representations to the respondents and he has received reply of his representation vide order dated 25th of June, 2001 from the Chief Postmaster General, Bihar Circle, Patna. The said letter has been addressed to Deputy Secretary, National Commission for Minorities



to whom the applicant has made representation vide Annexure-A/3 series.

4. We have heard learned counsel for the parties and gone through the record. After perusal of relevant documents, the claim of the applicant is found to be preferred at a very belated stage, particularly the claim made are not supported by any documentary evidence, as the applicant has not placed on record any document showing that he has qualified in the said examination to make him eligible for the said promotion. However, the applicant is always at liberty to approach before the authorities concerned for redressal of his grievance if he so desires.

5. In view of this, the O.A. is being found to be time-barred and devoid of merits hence the same is hereby rejected and disposed of accordingly at admission stage. However, there shall be no order as to cost.”

From a perusal of the order passed, we find that the original application had been rejected.

4. Under the Right to Information Act, certain information was given, which is Annexure 2 to the writ petition dated 17th of April, 2015. The same also indicates that the records had been weeded out in accordance with the norms prescribed for retention of the records.

5. The original application giving rise to the present writ petition appears to have been filed in the year 2019 after almost four years of the said information given by the Central Information Commission. It is therefore evident that this entire journey of seeking information has travelled from 2004 to 2019



resulting in the filing of the original application before the Tribunal which has now been rejected.

6. The information as given by the Central Information Commission does not appear to be erroneous and records a plausible reason that it is not possible for the authority to retain the records for indefinite period. The approach of the petitioner in the year 2015 was obviously after 20 years. In such circumstances, when the previous original application had already been rejected in the year 2004 and the information had been weeded out, there was no option but to decline the entertaining of the original application. The Tribunal does not appear to have committed any error.

7. There is no merit in the writ petition. It is, accordingly, dismissed.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

PNM

AFR/NAFR	
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