

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10545 of 2019

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Yogendra Prasad Singh, Male aged about 65 years, S/o Sri Deo Nandan Singh, resident of Village and P.O.- Masathu, Via- Barh, District- Patna.

... .. Petitioner/s

Versus

1. The 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 of Postal Services (HQ), O/o CPMG, Bihar Circle, Patna.
4. The Superintendent of Post Offices, Nalanda Division, Bihar Sharif.
5. The Sub Divisional Inspector of PO's, Nalanda East, Bihar Sharif.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hemant Kumar Karan, Advocate
For Union of India : Mr. S.D. Sanjay, Addl. S.G.
Ms. Punam Kumari Singh, C.G.C.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-05-2019

The petitioner was awarded punishment of dismissal on account of certain alleged financial irregularities. The same came to be challenged and the Tribunal ultimately commented upon the order of dismissal as being excessive on



account of lapses of procedure on the part of the respondents and made an observation that the punishment could have sufficed by way of a lesser punishment. Thus, the proportionality of the punishment was sought to be remitted back and accordingly the authority vide order dated 15th of November, 2011 reduced the punishment of dismissal by debarring the petitioner for being considered for recruitment to Group- D for a period not exceeding three years.

2. Learned counsel for the petitioner submits that the aforesaid prescription was meaningless as the petitioner had already attained the age of 55 years and, therefore, the order passed was not in conformity with law. Apart from this, the order dated 15.11.2011 nowhere takes into account the issue relating to the regularization of the services of the petitioner from 05.03.2008 to 25.12.2011 nor back wages have been paid to him with interest thereon.

3. The petitioner came up before the Tribunal by filing an Original Application for the second time and the Tribunal observed that since the order dated 15th November, 2011 had not been subjected to a challenge, there was no occasion to reconsider the matter or examine the same.

4. The impugned order is of the year 2014 and the



petitioner has come up after almost five years to question the legality of the said order. Apart from laches, we find that even otherwise on merits once the order dated 15th November, 2011 has not been challenged, the Tribunal was right in concluding that the matter did not require interference.

5. The writ petition is accordingly rejected.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

P.K.P./-

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CAV DATE	
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