

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5375 of 2018

1. The Union of India through the Chief Postmaster General, Bihar Circle, Patna-800001.
2. The Postmaster General (North), Muzaffarpur-842002.
3. The Superintendent of Post Offices, Champaran Division, Motihari-845401.
4. The Inspector Posts, East Sub-Division, Motihari-845401.

... .. Petitioner/s

Versus

Niranjan Prasad, Son of Rajendra Prasad Yadav, Resident of Village-Mathbanwari, P.S.-Piparakothi, District-East Champaran, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S. D. Sanjay, A. S. G. Mr. Raj Kamal, C.G.C.
For the Respondent/s	:	Mr. Sekhar Singh, Adv. Mr. S.S. Sundaram, Adv.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 22-11-2019

Heard learned counsel for the parties.

The instant application has been filed for following relief:-

“It is, accordingly prayed that Your Lordship may graciously be pleased to issue notice to respondent and after hearing both the parties be pleased to set aside the judgment and order dated 05.01.2018 passed in O.A. No. 050/0014/2018 (Niranjan Prasad Vs. The Union of India & Ors.) passed by the Central Administrative Tribunal, Patna Bench.”

The operative portion of the order impugned herein



(paragraph nos. 4 and 5) reads as follows:-

“4. In such situation, we feel that respondents should immediately revoke the put off duty order and allow the applicant to join his duties. The applicant has also submitted that he preferred a representation before the Post Master General, (North) Muzaffarpur, which is yet to be decided by the said authorities.

5. In view of the above, we direct the respondent no.2, i.e. the Postmaster General (North), Muzaffarpur to dispose of the representation filed by the applicant within 30 days from this date and grant appropriate relief as applicable to the applicant in the light of the decision of the Hon’ble High Court and recalling of the cancellation by the Board.”

After hearing the parties, as is mutually agreed, the first sentence of paragraph no. 4 of the impugned order, i.e., “In such situation, we feel that respondents should immediately revoke the put off duty order and allow the applicant to join his duties is interfered with” stand deleted. Inasmuch as the petitioner is allowed to approach the respondent authorities by way of a representation, which has to be considered in accordance with law and the judgment rendered by the Apex Court as well as by this Court.

All the materials annexed by the petitioner along with the representations shall be considered in accordance with law.



The impugned order is interfered with to the aforesaid extent only.

(Sanjay Karol, CJ)

(Dinesh Kumar Singh, J)

DKS/Amrendra

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