

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13117 of 2019

1. The Union of India through the Secretary, Department of Posts, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna.
3. The Director Accounts (Postal), Patna GPO Campus, Patna.
4. The Postmaster General, northern Region, Muzaffarpur.
5. The Superintendent of Post Offices, Champaran Division, Motihari.

... .. Petitioner/s

Versus

Ratneshwar Singh, Aged about 58 years, General- Male, S/o Late Laxmi Narayan Singh, Resident of Village and P.O.- Chapra Bihari, Via- Chaita, P.S.- Pakri Dayal, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Raj Kamal, Advocate
For the Respondent/s :

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-07-2019

Heard learned counsel for the petitioners.

2. The contention raised in this petition is that the learned Tribunal overlooked this fact that the respondent-petitioner had been given an opportunity of regularization which he himself voluntarily failed to avail in writing through his applications dated 24.10.2013 and 09.03.2016. The contention of the learned counsel is, therefore, that since the respondent-petitioner was himself unwilling to accept the said post which was coupled with regularization then in that event the



respondent cannot be heard to say that he is entitled to benefits after retirement treating him to be a regularized employee.

3. We have considered the submissions raised and what we find is that the letters dated 24.10.2013 and 09.03.2016 which have been filed along with the additional written statement before the Tribunal narrate the disinclination of the respondent-petitioner for promotion under the M.T. Scheme. These letters nowhere indicate that the respondent-petitioner had declined to accept regularization. In the said circumstances, the combined offer made by the petitioners to promote him and then to treat him as regularized was not accepted by the respondent-petitioner for his personal reasons, but that cannot be construed to mean that he had declined regularization on the post he was occupying. The occupancy of the post continuous for more than 27 years remains undisputed. In the said background, the judgment of the Division Bench in C.W.J.C. No. 11435 of 2017 as extracted in Paragraph 11 of the impugned judgment comes to the aid of the respondent-petitioner. This was also followed by another judgment of the Tribunal that has been relied upon. We, therefore, see no reason to set aside the impugned judgment which is based on cogent reasons and, therefore, the contention raised on behalf of the petitioners that



the respondent was responsible on account his unwillingness in not accepting the regularization is unsustainable.

4. The writ petition, therefore, lacks merit and is accordingly rejected.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

P.K.P./-

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CAV DATE	
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