IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4440 of 2020

==

1. The Union of India Through the Director General of Post, Ministry of Communication, Department of Post, Sanchar Bhawan, New Delhi.
2. The Circle Postmaster General Bihar Circle, Patna.
3. The Director Postal Service (HQ), Office of the Chief Post Master General, Bihar Circle, Patna.
4. The Chief Post Master Patna GPO (Bihar).
5. The Assistant Direct (Staff) Office of the Chief Post Master General, Bihar Circle, Patna.

... ... Petitioner/s

Versus

Prem Prasad Sharma Son of Sri Ganauri Prasad Sharma Accountant Office of Chief Postmaster, Patna, GPO (Bihar).

... ... Respondent/s

==

Appearance :
For the Petitioner/s : Mr. Rajesh Kumar Verma, ASG
For the Respondent/s : Mr.

==

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 27-02-2020

Heard learned counsel for the Union of India.

In the present case, the question has been raised about entitlement of 3rd MACP to the sole respondent Prem Prasad Sharma treating him to be in regular service during the period from 30.9.1983 to 7.2.1987. For regularization of this period of Reserved Trained Pool (in short “RTP”), he filed original application before the Tribunal bearing OA No. 78 of 1995 placing reliance on the order passed in Ernakulam Bench, the Patna Bench has passed the order in favour of the applicant, thereby, the period was regularized but, that order remained unchallenged all through.

Learned counsel for the petitioners submits that in view of the judgment passed in the case of Union of India & Anr. Vs. K.N. Sivadas & Ors. reported in (1997) 7 SCC 30, the Hon'ble Apex Court has considered the status of the RTP and held that the period will not be treated to be regular service but, the order passed by the Tribunal in OA No. 78 of 1975 was never challenged by the Union of India. So, it has reached its finality.

In that view of the matter, when for all purpose, he was treated to be regular from 1983, now he cannot be deprived of the benefit arising from the MACP i.e. 3^{rd} MACP.

Accordingly, we do not find any merit in the present writ application and the same is dismissed but, it will be applicable to the present applicant only.

(Shivaji Pandey, J)

(Anjani Kumar Sharan, J)

rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.02.2020
Transmission Date	