

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8947 of 2015

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1. Union Of India
 2. The Chief Postmaster General, Bihar Circle, Patna.
 3. The Director of Postal Services, O/o the Chief Postmaster General, Bihar Circle, Patna.
 4. The Postmaster General, Northern Region, Muzaffarpur.
 5. The Director of Postal Services, O/o the PMG, Northern Region, Muzaffarpur.
 6. The Superintendent of Post Offices, Saharsa Division, Saharsa.

... .. Petitioner/s

Versus

Tuntun Das s/o Late Bindeshwari Das, resident of village-Garh Baruari, District Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anshuman Singh, Advocate
For the Respondent/s	:	Mr. Ranjit Jha, Advocate

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 20-08-2020

Heard the parties.

Respondent/petitioner had filed O.A before the CAT, Patna Bench, to accept his candidature for the post of Postman/Mail Guard examination for the vacancies-2011 to



2013 as well as MTS Cadre for the vacancies 2009-2013 and the authorities may be directed to extend the benefit given to Mr. Sanjay Kumar Singh vide order dated 20.08.2009 (Annexure-A12 of O.A) .

Respondent/petitioner was appointed as EDBPM at Kathwansi Branch Post Office in Saharsa postal division by order dated 21.06.1999. His appointment was challenged before the CAT by one of the unsuccessful candidates and by order dated 03.06.2005 passed by CAT, the appointment of respondent was set aside which was challenged by him in C.W.J.C. No. 7366 of 2005 before Patna High Court and order of the tribunal was stayed, however, his writ petition was finally dismissed by Patna High Court on 07.09.2007 against which respondent/petitioner preferred SLP before the Apex Court which was dismissed on 3.10.2008 with observation to authorities to explore the possibility of engaging respondent/petitioner in a suitable job and pursuant to which, respondent/petitioner filed representation dated 15.11.2008 before the CPMG, Patna, Bihar to appoint him pursuant to direction of the Apex Court. The Postmaster General, Northern Region, Muzaffarpur vide order dated 11.09.2009 provisionally appointed respondent-applicant as GDSBPM, Balaha B.O. and



respondent-applicant joined on 26.09.2009 and thereafter continued as such.

In the meanwhile, respondent-applicant filed O.A No. 668 of 2010 to consider his case for appointment on the post of Postman/Group-D as he has secured 1st position in the limited departmental examination and same was disposed of by the Tribunal on 07.08.2012 observing that respondent-petitioner cannot claim appointment against the post of Postman/Group-D employee as his initial appointment as GDSBPM was set aside by CAT and affirmed by High Court as well as Apex Court. However, he was directed to be given regular post of GDSBPM.

Superintendent of Post Offices, Saharsa region vide order dated 29.10.2012 invited application for limited departmental competitive examination for promotion to the post of Postman/Mailguard pursuant to which respondent/petitioner applied but he was not permitted to sit in the examination as he had not completed the five years period as regular GDSBPM (counting his service from 26.09.2009). The grievance of the petitioner is that similarly placed employee Sanjay Kumar Singh was permitted to appear in the examination as such present O.A. was filed by the respondent-petitioner for issuance of a direction to the authorities to extend the same benefit as was granted to



similarly placed employee Sanjay Kumar Singh. The grievance of the respondent-petitioner is that though the intervening period of discontinuance was decided favourably in case of Sanjay Kumar Singh, however, same was denied in case of respondent-petitioner.

The tribunal on consideration of rival submission made by the parties, found that respondent/petitioner had worked for seven years in the department as GDSBPM although not in a stretch but in case of Sanjay Kumar Singh who is similarly placed employee, the intervening period has been regularized and petitioner is also entitled for similar benefit and allowed the O.A. filed by respondent/petitioner. The operative part of the order is reproduced below:-

“The OA is allowed. The respondents are directed to regularize the services of the applicant as has been done in the case of Shri Sanjay Kumar Singh vide order dated 04.02.2009 and 20.08.2009,. The respondents are further directed to pass similar order preferably within a period of three months from the date of receipt of a copy of this order. The result of Departmental Examination kept under sealed cover may be opened. No costs.”

After hearing the counsel for the Union of India as well as counsel for the respondent/petitioner, this Court does not find



any error or infirmity in the order passed by the tribunal and accordingly writ petition is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

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

