

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3072 of 2020

1. Rash Bihari Ram, (Male), aged about 53 years, S/o Late Bhikham Ram, resident of Village and P.O.- Dumari, P.S. Simari, District- Buxar, at present working as Superintendent of Post Offices, Rohtas Division, Sasaram.
2. Tanwir Ahmad, Male, aged about 49 years, S/o Late S Ansari, P.O.- Mahendru, P.S.- Sultanganj, District- Patna, at present working as ASP (Vigilance), O/o Postmaster General, Northern Region, Muzaffarpur.
3. Rajdeo Prasad, (Male), aged about 42 years, S/o Sri Rajendra Prasad, resident of Village- Mojahidpur, District- Nalanda, at present working as Asstt. Director (Technology), O/o Chief Postmaster General, Bihar Circle Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Department of Posts, Dak Bhawan, New Delhi- 110001.
2. The Director General (Posts), Dak Bhawan, Sansad Marg, New Delhi- 110001.
3. The DDG (P), O/o Director General (Posts), Dak Bhawan, Sansad Marg, New Delhi - 110001.
4. The Director (Staff), Director General (Posts), Dak Bhawan, Sansad Marg, New Delhi - 110001.
5. The Asstt. Director General (DE), Govt. of India, Ministry of Communications and Information Technology, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi 110001.
6. The Chief Postmaster General, Bihar Circle, Patna 800001.
7. Amrendra Kumar, S/o Late S N Pandey, Mohalla- RMS Colony, Kankarbagh, District- Patna, at present working as Asstt. Director (Trg), PTC Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jayant Kumar Karn, Adv.
For the Respondent/s : Mr. Rajesh Kumar Verma, ASG

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 18-02-2020



Heard learned counsel for the petitioners and counsel for the Union of India.

The present matter relates to promotion to the cadre of Postal Service Group 'B' for the vacancy of the year 2010-11 on the basis of limited departmental examination. In the year 2010-11, 32 vacancies were notified and the break-up of the vacancy was OC-23, SC-07 and ST-02 but, on the basis of the order dated 26.5.2011 passed by the Chandigarh Bench in O.A. 399/PB/11 directing for re-assessment of the available vacancy position in terms of the recruitment rule before next examination, the vacancy was re-assessed on 27.5.2011 but, before that, the examination was conducted 29.3.2011 and, thereby, the vacancy has been reduced to 3. That was again challenged before the Central Administrative Tribunal, Patna in O.A. No. 540/2011 and, vide judgment and order dated 19.7.2012, the Tribunal, after considering all aspects of the matter including vacancy position and the departmental notification, rejected the same and the order passed by the Tribunal has remained unchallenged as the petitioners never challenged the same before any court of law or Tribunal. The same issue was again cropped up before the Hyderabad Bench giving direction in what manner the vacancy is to be calculated, the view was affirmed up to the Hon'ble Apex Court.



The Postal Department has re-assessed the vacancy position for the year 2012 on-wards. Accordingly, the vacancy was re-assessed and the same was notified for promotion and, accordingly, after departmental examination, promotion has been granted.

Learned counsel for the petitioners submits that even the Apex Court, in its judgment, has directed to carry out re-assessment of vacancy but without affecting those persons who have already been promoted but, they have been granted promotion after reassessment of the vacancy position from the year 2012 on-wards but, the authorities have not re-calculated the vacancy for the year 2010-2011 and, as such, the authority should recalculate the vacancy and fresh result be published.

In the present case, we would have entered into the merit of the case but, as the legal wall is standing against the petitioners as a reasoned order has been passed which remains unchallenged all the time, as because others have been granted relief by different Tribunals in different cases, that will not create a cause of action for the petitioners for raising their grievance as it is barred by res-judicata in between the parties.



In that view of the matter, it is very difficult for us to find any illegality in the order impugned. We have not delve into the merit of the case.

Accordingly, this writ application is not maintainable and the same is dismissed.

(Shivaji Pandey, J)

(Anjani Kumar Sharan, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.02.2020
Transmission Date	

