

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8036 of 2021

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Soni Raj, aged about 25 years, Female, Wife of Chandra Shekhar Singh,
resident of Village Dambak, P.O. Baburi, District Mirjapur (Uttar Pradesh),
PIN- 232102.

... .. Petitioner

Versus

1. The Union of India through the Secretary cum Director General, Department of Post, Government of India, Dak Bhawan, Sansad Marg, New Delhi-110001.
2. The Chief Post Master General, Bihar Circle, Patna-800001.
3. The Director of Postal Service, Central Region, Bihar Circle, Patna-800001.
4. The Superintendent of Post Offices, Rohtas Division, Sasaram-821115.
5. The Inspector of Post Office, Bhabhua Sub Division, Bhabhua-821101.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Rajeev Kumar Singh, Advocate
For Union of India : Mr. Rajesh Kumar Verma (Adv.), Asst. Sol. Gen.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

Date : 14-09-2021

This matter has been heard *via* video-conferencing.

2. Heard Mr. Rajeev Kumar Singh, learned counsel for the petitioner and Mr. Rajesh Kumar Verma, learned Assistant Solicitor General (hereinafter referred to as the 'ASG') for the Union of India.

3. The petitioner has moved the Court, being aggrieved by the order dated 10.01.2020, passed by the Central



Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the 'Tribunal') in O.A./050/00640/2016, by which her challenge to the order of termination from service dated 29.07.2016, has been rejected.

4. Learned counsel for the petitioner submitted that the invocation of Rule 8 of the Gramin Dak Sevaks (Conduct & Engagement) Rules, 2011 (hereinafter referred to as the '2011 Rules'), which were in force at the relevant time, against her is punitive in nature and, thus, a full-fledged proceeding was required to be conducted and the minimum requirement was issuance of a show-cause notice to her to explain her position, which, admittedly, has not been done. For the said purpose, learned counsel has taken us through the relevant provisions as also the stand of the Union of India before the Tribunal. [We may point out that the Rules have been replaced on 14.02.2020 by the Gramin Dak Sevaks (Conduct & Engagement) Rules, 2020.]

5. At this juncture, we may take note of Rule 8 of the 2011 Rules:

'8. Termination of Engagement

(1) The engagement of a Sevak who has not already rendered more than three years continuous service from the date of his engagement shall be liable to be terminated at any time by a notice in writing given either by the



Sevak to the Recruiting Authority or by the Recruiting Authority to the Sevak:

(2) The period of such notice shall be one month:

Provided that the service of any such Sevak may be terminated forthwith and on such termination. the Sevak shall be entitled to claim a sum equivalent to the amount of Basic Time Related Continuity Allowance plus Dearness Allowance as admissible for the period of the notice at the same rates at which he was drawing them immediately before the termination of his service or, as the case may be, for the period by which such notice falls short of one month.

NOTE:- Where the intended effect of such termination has to be immediate, it should be mentioned that one month's Time Related Continuity Allowance plus Dearness Allowance as admissible is being remitted to the Sevak in lieu of notice of one month through money order.'

6. *Ex facie*, we do not notice any violation of the afore-extracted Rule in the instant case.

7. After some arguments, learned counsel submitted that his major concern is that though the termination is under Rule 8(1) of the 2011 Rules, but in the order of the Tribunal, which is impugned before us, there are findings of fact against the petitioner, which are stigmatic. Thus, it was submitted that if such findings of fact are allowed to remain, the same would prejudice her in other collateral proceedings. Learned counsel submitted that



in the background of such decision where on the one hand, the stand of the authorities is that the termination is a termination *simpliciter* as per Rule 8(1) of the Rules, but in effect, it would cause prejudice the petitioner, if the justification for upholding her termination from service, as recorded in the order of the Tribunal, is allowed to remain.

8. On a query to the learned ASG, on the apprehension expressed by the learned counsel for the petitioner, he submitted that though the facts of the case have been discussed in the order impugned, but the ultimate effect is only that the Tribunal has upheld the termination order, under Rule 8(1) of the 2011 Rules, which is non-punitive in nature and without casting any stigma.

9. Having considered the facts and circumstances of the case and the rival submissions for the parties at the Bar, we do not find any error warranting our interference, in the orders passed, either by the authorities or the Tribunal in O.A./050/00640/2016, as essentially, the order of termination is compliant with Rule 8 of the 2011 Rules. That apart, the order is an order *simpliciter*, without being punitive in nature and/or stigmatic.

10. However, as far as the afore-noted apprehension of the petitioner is concerned, we may only clarify that the discussions made in the impugned order shall be treated to have



been made only for the purpose of the Tribunal to arrive at its decision, and not for recording any finding of fact. Hence, the same would not prejudice the petitioner in any other proceeding.

11. The petition stands disposed of in the afore-mentioned terms.

(Ahsanuddin Amanullah, J)

(Anjani Kumar Sharan, J)

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