

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2458 of 2021

1. The Union of India through the Secretary, Department of Posts, Dak Bhawan, New Delhi - 110001.
2. The Chief Postmaster General, Bihar Circle, Patna - 800001.
3. The Director of Postal Services (HQ), Officer of the Chief Postmaster General, Bihar, Patna.
4. The Superintendent of Posts, Nalanda Division, Biharsharif.

... .. Petitioners

Versus

Sheo Shankar Sharma Son of Late Balendra Prasad, Resident of Mohalla - Laheri, P.O. - Biharsharif, District - Nalanda, Pin Code - 803101.

... .. Respondent

Appearance :

For the Petitioner/s : Mr. Sujeet Kumar Sinha
For the Respondent/s : Mr. Madhuresh Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

7 16-11-2021 Heard Mr. Sujeet Kumar Sinha, learned counsel for the petitioners and Mr. Madhuresh Singh, learned counsel for the sole respondent.

2. Union of India through the Secretary, Department of Posts and others have filed this application under Article 226 of the Constitution of India assailing an order dated 26.07.2019 passed in O.A. No. 390 of 2015, whereby the Central Administrative Tribunal, Patna Bench, has allowed the Original Application of respondent No. 1 and set aside an



order of punishment dated 23.08.2013 passed by the Disciplinary Authority and the order of the Appellate Authority dated 19.03.2015, affirming the order of the Disciplinary Authority.

3. The respondent had put to challenge the order of the Disciplinary Authority, imposing punishment of recovery of a sum of Rs. 1,02,000/- from his pay on proved charge of misconduct, exercising powers under the provisions of Central Civil Services (Classification, Control & Appeal) Rules, 1965. From the order of the Tribunal impugned before this Court it is evident that finding no basis in the order of punishment for quantifying the amount sought to be recovered by way of punishment, the Tribunal has set aside the order of the Disciplinary Authority, giving, however, the Disciplinary Authority a liberty to pass an order afresh in accordance with the observations made in the order of the Tribunal.

4. On perusal of the order of punishment, we notice that it does not disclose any basis for quantifying the amount to be recovered from petitioner's salary by way of punishment. Situated thus, the finding recorded by the Central Administrative Tribunal cannot be said to be legally infirm. As the department has been given liberty to pass an order



afresh in accordance with law.

5. In view of liberty granted to the Disciplinary Authority to pass order afresh, by the Central Administrative Tribunal, Patna Bench in the order which is under challenge, this Court is also of the opinion that there was no occasion for the Union of India to file the writ petition. No interference is required by this Court in the present proceeding.

6. This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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