

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4978 of 2020

1. The Union of India through the Director General, Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna.
3. The Postmaster General, Northern Region, Muzaffarpur.
4. The Director, Postal Services, Northern Region, Muzaffarpur.
5. The Superintendent, Railway Mail Service U Division, Muzaffarpur.
6. The Director Accounts of Post, Bihar, Patna.

... .. Petitioner/s

Versus

Arun Kumar Shukla, Son of Late R.K. Shukla, Ex HAS, RMS U Division, Muzaffarpur, Resident of Kishoralaya Bhawan, Anandpuri Bibiganj, Muzaffarpur - Vaishali (Bihar).

... .. Respondent/s

Appearance :

For the Union of India : Mr. Sujeet Kumar Sinha, C.G.C.
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 05-12-2022

None appears.

On 04.08.2022, the following order was passed.

The respondent-Arun Kumar Shukla was subjected to disciplinary proceedings in framing of article of charges on 27.07.2005 and it was concluded in imposition of penalty on 11.05.2009. Therefore, prima facie Arun Kumar Shukla is not entitled to promotion w.e.f. 06.01.2006 for the reasons that on 06.01.2006 he was facing disciplinary proceedings followed by punishment on 11.05.2009. Issue notice to



the respondent by both processes. Requisites etc. must be filed by learned counsel for the petitioner within two weeks. Relist this matter on 15.09.2022. Personal appearance of the Chief Post Master General, Mr. Kishan Kumar Sharma who is present in Court stands dispensed until further orders.

Thereafter, in order to give one more opportunity relating to status of service of notice to the respondent it was adjourned. The registry has taken note of service of notice that notice was received by the daughter-in-law of the respondent. Further on 07.11.2022 in order to give one more opportunity matter is listed today. Today also there is no representation. In the light of the order dated 04.08.2022, the respondent is not entitled to promotion w.e.f. 06.01.2006. In view of the fact that article of charges issued on 27.07.2005. In other words procedure are that if inquiry has been initiated by framing charge in that event promotion of an employee would be deferred. In the present case, the respondent was punished on 11.05.2009 and we are not having material information as to whether the order of punishment has been set aside by competent authority/forum or not? In the light of these facts and circumstances the Tribunal has committed error in not noticing that as on the date of promotion sought by the respondent on



06.01.2006, he was facing disciplinary proceedings and it was concluded in imposition of penalty on 11.05.2009. Therefore, Tribunal has committed error in allowing the respondent's O.A. No. 235 of 2015 dated 23.01.2019.

Accordingly, order dated 23.01.2019 passed in O.A. No. 050/00235/2015 is set aside and reliefs sought in O.A. No. 050/00235/2015 stands rejected, reserving liberty to the concerned respondent to approach the authorities in the event of quashing of the penalty order by the competent authority/forum.

(P. B. Bajanthri, J)

(Purnendu Singh, J)

minu/aditya

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	12.12.2022.
Transmission Date	N.A.

