

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10753 of 2018

1. The Union Of India and Ors
2. The Chief Postmaster General, Bihar Circle, Patna.
3. The Director Postal Services HQ, O/o the Chief Postmaster General, Bihar Circle, Patna.
4. The Superintendent of Post Offices, Gaya Division, Gaya.

... .. Petitioner/s

Versus

Amrita Kumari W/o Sri Raghvendra Prasad Singh, Resident of Village and P.O.- Dabur, Via- Guraru Mills, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/UOI :	Mr. Rakesh Kumar Sinha, CGC
For the Respondent/s :	Mr. Jayant Kumar Karn, Advocate
	Mr. H. K. Karn, Advocate
	Mr. Sujeet Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 22-06-2022

Heard learned counsel for the parties.

2. In the instant petition, petitioner – Department has assailed the order dated 15.12.2017 passed in O.A. No. 050/00514/2015 and MA 480/16 by the Central Administrative Tribunal, Patna Bench, Patna. The respondent seems to be one of the candidates for recruitment to the post of GDSBPM at Kormathu Branch Post Office pursuant to the employment notice issued in the month of March/April, 2014. Her grievance is only to the extent that the process of selection and appointment pursuant



to the employment notice issued in the year 2014 is to be completed. The Tribunal has passed the following order:

“In conclusion, the OA is allowed with direction to the respondents to finalize the selection process for the post GDSBPM at Kormathu Branch within three months from the date of receipt of a copy of this order on the basis of the applications already received in terms of the notification. MA 480/2016 stands disposed of.”

3. Feeling aggrieved and dissatisfied with the order of the Tribunal, petitioner – Department preferred this petition only with reference to the communication dated 01.08.2016 wherein Assistant Director General (GDS), New Delhi has directed All Head of Circles to stop selection/engagement of all types of Gramin Dak Sevak with immediate effect. It is to be noted that such communication was issued on 01.08.2016 and it has a prospective effect and it has no retrospective effect for the reasons that employment notice was issued in the month of March/April, 2014 whereas communication is dated 01.08.2016.

4. Abruptly the authorities cannot stall the process of selection and appointment. That apart, the direction given by the Tribunal is to complete the process of selection within a period of three months. Stalling the process of selection is required to be given effect only from 01.08.2016 onwards relating to future



advertisement or future recruitment and not prior to that. That apart, it is only a communication among officials and not a Government order issued under Article 162 of the Constitution so as to evaluate the effect of the communication dated 01.08.2016 is retrospective or not? In the light of these facts and circumstances, the petitioner – Department has not made out *prima facie* case so as to interfere with the order 15.12.2017 passed in O.A. No. 050/00514/2015 and MA 480/16 by the Central Administrative Tribunal, Patna Bench, Patna.

5. Accordingly, petition stands dismissed.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	27.06.2022
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