

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16900 of 2021

1. The Union of India through the Secretary-cum- Director General, Department of Posts, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna.
3. The Director Postal Services (Hq), O/o Chief Post Master General, Bihar Circle, Patna.
4. The Sr. Superintendent of Post Offices, Gaya Division, Gaya.

... .. Petitioner/s

Versus

Chhote Lal Son of Late Shivdani Ram Resident of Village- Shekhupur Bazar,
P.S.- Shekhupur Sarai, District- Sheikhpura (Munger).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 07-07-2022

Heard learned counsel for the parties.

Learned counsel for the petitioners submitted at 02:30
PM that instead of dismissed as withdrawn we heard on merit. The
Hon'ble Tribunal in its order dated 03.05.2019 passed the
following order:



“9. On perusal of records, we come to the conclusion that since the Tribunal in several identical cases has directed the respondents to consider the case of the applicant and take appropriate decision for qualifying service of the applicant for the purpose of grant of pension and terminal benefits. Accordingly, in the present case also, we direct the respondents to consider the case of the applicant and take appropriate decision for qualifying service of the applicant for the purpose of grant of pension and terminal benefits. This should be done in the light of judgments quoted above and the judgments of Hon’ble High Court for Patna in CWJC No.11435 of 2017 and 10978 of 2017 (the cases on the basis of which the earlier OAs were disposed of). The entire exercise should be completed within two months of receipt of this order MA 142/2019 stands of accordingly. No costs.

Perusal of the order of the Tribunal, it is crystal clear that petitioners were directed to consider the respondent’s grievance and take a decision. In other words, the petitioners were permitted to take a decision on the respondent’s grievance and pass order either accepting or rejecting the respondent’s grievance whereas writ petition has been filed. Such a litigation filed by the petitioner authority is deprecated, for the reasons that no adverse



order is passed by the Tribunal against the petitioner-Department. Accordingly, the present petition stands dismissed with a cost and cost has been quantified at Rs.25,000/-, Cost shall be remitted in the High Court Legal Services Authority within a period of eight weeks from today.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

Prakash Narayan /-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.07.2022
Transmission Date	

