

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1602 of 2015

1. The Union Of India through the D.G. cum Secretary, Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna
3. The Director Accounts (Postal) Exhibition Road, Patna
4. The Post Master General, Northern Region, Muzaffarpur
5. The Director of Postal Services, Northern Region, Muzaffarpur
6. The Superintendent of Post Offices, Siwan Division, Siwan
7. The Postmaster, Gopalganj Head Post Office, Gopalganj

... .. Petitioner/s

Versus

Saida Khatoon Wife of Late Md. Suleman, resident of village- Hajiyapur,
Ward No. 8, P.O. P.S. and District- Gopalganj

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Nivedita Nirvikar, Advocate
For the Respondent/s : Mr. H.K. Karan, Advocate

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

Date : 04-07-2022

Heard learned counsel for the parties.

2. On 23.06.2022, the following order was passed.

*“Matter was heard for some time.
Matter is of the year 2015. The respondent is a
legal heir of the deceased-employee.*

*Crux of the matter is whether the
respondent-legal heir is entitled to retiral and
monetary benefits of the deceased employee or
not ? The petitioner-department had disputed
that deceased-employee services were not*



regularized.

Perusal of the records, it is evident that deceased employee's services were regularized on 07.02.2000 whereas the petitioner-department is of the view that an officer who had regularized the services of the deceased-employee on 07.02.2000 with the Post Master, Gopalganj, Head Office is not the Competent Authority. Therefore, it was cancelled by means of a communication by the Superintendent of Post Offices, Siwan Division, Siwan. However, perusal of Annexure-2, such a communication in respect of cancellation of regularization dated 07.02.2000 was not after due notice to the deceased-employee. That apart the petitioner-department have not apprised this Court, who is the Competent Authority to regularize the services of the deceased-employee at the relevant point of time.

Today, learned counsel for the petitioner relied on the notification dated 12th of December, 2010 relating to Rules called the Department of Posts Multi Tasking Staff Recruitment Rules, 2010. In terms of the Rules 2010, the Competent Authority to regularize the services of adhoc employee is by a committee constituted under the Rules 2010. The aforesaid submission is not the clinching material evidence against the deceased-



employee for the reasons that deceased-employee was entitled to regularize his services in the year 2000 and not in the year 2010.

At this juncture, learned counsel for the petitioner seeks time to get instruction.

Re-list this matter on 04.07.2022.

It is made clear that no further time would be granted for the reasons that the respondent- legal heirs of the deceased employee is waiting for certain monetary benefits from the department-petitioner from the year 2012.”

3. Today, learned counsel for the petitioner on instruction submitted that no notice was issued to the deceased-employee before cancellation of regularization order issued by the Post Master, Gopalganj Head Post Office so as to contend that Principle of Natural Justice is complied before cancellation of regularization. Further, it is to be noted that no action has been taken against the then Post Master, Gopalganj, Head Post Office on the allegation that in the absence of power to regularized services of employees, he had exercised the power of regularization. That apart respondent is a legal heir of the deceased employee, therefore, it is not appropriate at this distance of time to rake up the issue relating to regularization of deceased-employee dated 07.02.2000 so as to deny certain



monetary benefits to legal heir of deceased employee-respondent, Saida Khatoon.

4. Accordingly, the present petition filed by the petitioner-department stands rejected.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

Jagdish/-

AFR/NAFR	
CAV DATE	
Uploading Date	12.07.2022
Transmission Date	

