

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21175 of 2018

1. The Union Of India Through the Secretary cum Director General, Department of Posts, Government of India, Dak Bhawan, Sansad Marg, New Delhi- 110001.
2. The Chief Postmaster General, Bihar Circle, Meghdoot Bhawan, Patna- 800001.
3. The Director Postal Services, Central Region, Bihar Circle, Meghdoot Bhawan, Patna- 800001.
4. The Superintendent of Post Offices, Bhojpur Division Ara (Bihar) Pin- 802301.
5. The Assistant Director (Rectt.) O/o Chief Postmaster General, Bihar Circle, Meghdoot Bhawan, Patna.- 800001.
6. The Assistant Superintendent of Post Offices, Buxar Sub Division, Buxar (Bihar) Pin- 802101.

... .. Petitioner/s

Versus

Madhuri Kumari Wife of Shri Panch Deo Mishra, Resident of Village and Post Office- Dehiwar, Via- Churamanpur, District- Buxer, Pin - 802116.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anjani Kumar Sharan A. S. G.
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 : 23-06-2022

In the instant petition, petitioner – Department has assailed the order dated 15.12.2017 passed in O.A. No. 050/00365/2017 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 Dahiwar Branch pursuant to the employment notice issued in the year,



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 Dahiwar 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.”

2. 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 Sevaks 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 year, 2014 whereas communication is dated 01.08.2016.

3. 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. 050/00365/2017 by the Central Administrative Tribunal, Patna Bench, Patna.

4. Accordingly, petition stands dismissed.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

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Uploading Date	04.07.2022
Transmission Date	

