

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 5791 OF 2019

- PETITIONERS :-**
1. Union of India Represented by Director of Postal Services O/o Post Master General, Nagpur, 440010.
 2. Senior Superintendent of Posts Chanda Division, Chandrapur, 442401.
 3. Inspector of Posts, Chandrapur, South Sub Division Rajura, Hq. Chandrapur - 442401.

...VERSUS...

RESPONDENT :- Ramrao Namdeo Pitlewad,
Aged about 39 years, Occup.Unknown
r/o Malakwadi, Post: Dayegaon,
Tal.Kinwat, Dist.Nanded-431811.

Mr. S.A. Chaudhari, Advocate for Petitioners.
Mr. N.R. Saboo, Advocate for Respondent.

**CORAM : SUNIL B. SHUKRE &
SMT. M.S. JAWALKAR, JJ**

DATE : 18.04.2022.

ORAL JUDGMENT (Per : Sunil B.Shukre, J.)

Heard Mr. S.A. Chaudhari, learned counsel for the
Petitioners and Mr. N.R. Saboo, learned counsel for Respondent.

2. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

3. The scope of judicial review, of an order passed by a Central Administrative Tribunal is very limited. Unless the order has been shown to be perverse or based upon some extraneous consideration or is manifestly arbitrary or illegal, this Court, in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India cannot review the order passed by the Administrative Tribunal. Similarly, when two views are possible and the view taken by the Tribunal is different than the view which this Court would ordinarily prefer, would be no ground for this Court to interfere with the opinion expressed by the Administrative Tribunal. This is what has happened in the present case.

4. In the impugned order, the Tribunal has found that the Circular dated 25.06.2010, which has been relied upon by the Petitioners for terminating the service of the Respondent, who was working as Gramin Dak Sevak, Mail Deliverer and Mail Carrier, has no statutory force as it being a departmental circular, would have

no force of law and would not be as the action taken in pursuance of the provisions made in Article 309 of the Constitution of India. We find that there is nothing wrong in this view.

5. Secondly, the termination of service of the Respondent has been done by invoking the provisions made in Rule 8 of the Gramin Dak Sevak (Conduct and Engagements) Rules, 2011. We are of the opinion that even this provision of law could not have been invoked by the Petitioners for the reason that the service of the Respondent has been terminated not because it was thought by the appointing authority that he should not be continued in service, but because of some extraneous reason which has no relation with either the performance of the Respondent or the satisfaction of the appointing authority regarding continuation in service of the Respondent. The extraneous reason was the mistake committed by the Inspector of Posts in issuing offer of appointment on contract basis to the Respondent. According to the Petitioners, such an offer of appointment ought not to have been issued to the Respondent for the reason that in the list of the candidates mentioned in the Tabulation Sheet, the name of the

Respondent stood at Sr.No.7 whereas, the select panel was to be made of only five selected candidates for one post and if all the five selected candidates refused to accept the offer of appointment, a new selection process was required to be initiated by the Inspector of Posts.

6. Thus, we find that there is no manifest error or illegality or arbitrariness in the impugned order and therefore, there is no merit in this petition.

7. The Writ Petition stands dismissed. No costs.

8. We direct the Petitioners to implement the directions issued by the Central Administrative Tribunal in its order dated 05.02.2019 within eight weeks from the date of the order.

(SMT. M.S. JAWALKAR, J.)

(SUNIL B. SHUKRE, J.)

Kirtak