

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4867 of 2023

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Suman Kumar Son of Late Sudama Pandit Resident of Village- Khusrupur (Bas Ke Tal), Post Office- Khusrupur, Police Station- Khusrupur, District- Patna (Bihar) PIN- 803202 at present working as Postal Assistant in Office of Superintendent of Post Offices, Munger Postal Division, Munger, PIN- 811201.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Communication, Department of Posts, Government of India, Dak Bhawan, Sansad Marg, New Delhi- 110001.
2. The Director General, Department of Posts, Government of India, Dak Bhawan, Sansad Marg, New Delhi- 110001.
3. The Chief Postmaster General, Bihar Circle, Meghdoot Bhawan, Patna- 800001.
4. The Postmaster General, East Region, Bhagalpur at Meghdoot Bhawan, Patna G.P.O.- 800001.
5. The General Manage Financer (Postal) Bihar Circle, G.P.O. Campus, Patna G.P.O.- 800001.
6. The Director of Postal Services, East Region, Bhagalpur at Meghdoot Bhawan, Patna G.P.O.- 800001.
7. The Vigilance Officer, Office of CPMG Bihar Circle, Meghdoot Bhawan, Patna- 800001.
8. The Senior Superintendent of Post Offices, Patna Division, Patna- 800004.
9. The Superintendent of Post Offices, Munger Division, Munger, PIN- 811201.
10. The Postmaster Munger Head Post Office, Munger, Pin- 811201.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Om Prakash Singh, Advocate
For the Respondent/s	:	Mr. Additional Solicitor General
For the Union of India	:	Mr. Raj Kamal, CGC

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

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

3 05-12-2023

In the instant writ petition, petitioner has assailed the



order of the CAT passed in O.A. No. 050/00167 of 2022 dated 07.03.2022 read with R.A. No. 050/0005/2022 dated 07.04.2022 vide Annexure-12 and 13 in the writ petition.

2. Learned counsel for the petitioner submitted that learned Judicial Member has exceeded his jurisdiction in deciding the subject matter of O.A. 050/00167 of 2022 read with review application.

3. Having regard to the fact that subject matter in O.A. was required to be decided by two members of the Central Administrative Tribunal, Patna Bench, Patna. On 28.11.2023, the following order was passed which reads as under:

“Core issue involved in the present lis is whether single member of Central Administrative Tribunal can decide original application in respect of major penalty imposed on a Government servant under CCA (CCS) Rules, 1965 or not?

2. Central Administrative Tribunal Rules of Practice 1993 Appendix VII read with Rule 154 (c) relates to subject- wise classification of cases- Division Bench Cases. Item No. 7 relates to disciplinary cases both major and minor punishment and suspension were required to be decided by the Division Bench of the Central Administrative Tribunal in the light of



aforementioned provision whereas the present impugned order has been passed by the learned single judicial member. Therefore, the petitioner has made out a prima facie case that as to whether learned single judicial member can decide the present case in the light of the fact that petitioner has been punished in a departmental inquiry in reducing by two (02) stages from Rs. 52,600/- to Rs. 49,600/- in time scale/pay matrix of pay level-5 (Pay Band Rs. 5,200- 20,200 with grade pay of Rs. 2,800) for a period of six months w.e.f. 01.02.2020. It was further ordered that petitioner will earn increments of pay during the period of reduction and that on the expiry of the period the reduction will not have the effect of postponing his future increments of pay. Rule 11 of CCA (CCS) Rules, 1965 classifies minor and major penalties, the aforementioned penalty would fall under the major penalties. Therefore, the petitioner has made out a prima facie case for interference with the impugned orders of the Central Administrative Tribunal.

3. At this stage, learned counsel for the respondents seeks time to verify as to whether is there any amendment to appendix-VII in subject-wise classification of cases which are to be decided by Division



Bench or Single Bench.”

4. Today, learned counsel for the respondents on instruction submitted that this matter is similar to that of order dated 19.10.2022 passed in CWJC No. 11304 of 2022 – *Md. Niyaz Ahmad Vs. The Union of India and Ors.*

5. Having regard to these facts and circumstances, impugned orders dated 07.03.2022 and 07.04.2022 annexed as Annexures 12 and 13 passed in O.A. No. 050/00167 of 2022 and R.A. No. 050/0005/2022 are set aside. O.A. No. 050/00167 of 2022 restored on the file of the Central Administrative Tribunal, Patna Bench Patna.

6. Registry of the Central Administrative Tribunal, Patna Bench, Patna is hereby directed to list the O.A. No. 050/00167 of 2022 before a Bench consisting of two members.

7. Accordingly, the present writ petition stands allowed.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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