

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6647 of 2023

1. Union of India through the Secretary, Department of Post, Dak Bhawan, New Delhi.
2. The Chief Post Master General, Bihar Circle, Patna.
3. The Director of Postal Services (H.Q.) O/o CPMG, Bihar Circle, Patna.
4. The Superintendent of Post Offices, Vaishali Division, Hajipur.

... .. Petitioner/s

Versus

Devendra Prasad Singh S/o Shri Bhikhri Prasad Singh Resident of Village Shitalpur Babutola, P.O.- Shitalpur, Distt.- Saran, working as Officiating Post Master Hajipur, H.O. in Vaishali Postal Division.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anand Kumar Ojha, Sr. C.G.C. Mr. Abhay Shankar Jha, Advocate
For the Respondent/s	:	Mr. Munna Pd Dixit, Advocate Mr. Sanjay Kumar Dixit, Advocate Mr. Sanjay Kumar Chaubey, Advocate Ms. Swastika, Advocate Mr. Shailendra Kumar, Advocate Mr. Milind Raj Dixit, Advocate Mr. Punit Ranjan Dixit, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 11-07-2024

In the instant petition, petitioner has assailed the order of CAT dated 24.04.2019 passed in O.A. No. 050/00932/2015.

2. Grievance of the respondent is that extension of financial upgradation under MACP scheme on completion of 30 years of regular service. How to regulate the number of years of service of years was subject matter of litigation before the



High Court for the State of Telangana at Hyderabad in Writ Petition Nos. 17400 and 17425 of 2016 (*Union of India & Ors. Vs. V. Ravi Krishna & Anr.*).

3. Union of India / departmental writ petition was dismissed while affirming the order of C.A.T. therein and it was also subject matter of litigation before the Hon'ble Supreme Court. Feeling aggrieved by the order of the High Court for the State of Telangana at Hyderabad, Union of India preferred Special Leave Petition (Civil) Diary No(s). 1868 of 2024. The Hon'ble Supreme Court declined to interfere with the order dated 27.02.2023 passed in C.W.J.C. No. 17400 of 2016 and connected matters and proceed to dispose on 05.02.2024. In the light of the aforementioned latest decisions, petitioners have not made out a case.

4. At this stage, learned counsel for the petitioner relied on Hon'ble Supreme Court decision in the case of *Union of India & Another vs K.N. Sivadas and others* reported in (1997) 7 SCC 30. The principle laid down in the aforementioned decision of the Hon'ble Supreme Court is not assisting the petitioners for the reasons that the aforementioned principle has been otherwise in another later decision in the case of *Amresh Kumar Singh and Others Vs. State of Bihar and Others*



reported in **2023 SCC Online SC 496.**

5. Accordingly, the petitioners have not made out a case in so far as to interfere with the orders of the C.A.T. dated 24.04.2019 passed in O.A. No. 050/00932/2015.

6. With the above observation, the present C.W.J.C. No. 6647 of 2023 stands disposed of.

7. Pending I.A.'s, if any, disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18.07.2024.
Transmission Date	N.A.

