

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 18666 of 2025

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1. The Union of India through the Chief Post Master General, Bihar Circle, Patna-800001.
 2. The Director, Postal Services (HQ) Office of the Chief Post Master General, Bihar Circle, Patna-80001
 3. The Chief Post Master, Patna GPO Patna-800001 (Bihar).
 4. The Deputy Chief Post Master (M & T), Patna GPO, Patna-800001 (Bihar).

... .. Petitioner/s

Versus

Jagat Prasad Son of Bandhu Singh, Ex. T.S. at with group - D, Patna GPO, Patna, Resident of- Village - Mirzapur, Nohta, Post and P.S.- Fatuha, District- Patna (Bihar).

... .. Respondent/s

Appearance:

For the Petitioner/s : Mr. Ram Tulabh Singh, CGC
Mr. Radhika Raman, Advocate
For the Respondent/s :

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

and

HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

Date: 16-12-2025

The present writ petition has been filed against the order dated 08.04.2025 passed by the learned Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as 'Ld. CAT') in O.A. No. 050/00104/2021 whereby and whereunder the original application filed by the respondent has been allowed and the order dated 27.03.2020 as also the one dated 04.01.2021 passed by the



respondent No.4 and respondent No.3 respectively along with the show cause notice dated 10.10.2019 have been set aside as also the sole respondent herein has been directed to be reinstated in service, nonetheless it has been further directed that the said order dated 08.04.2025 shall not come in the way of the authorities in initiating inquiry under the relevant Rules and completing the proceedings within six months.

2. The facts of the present case lie in a narrow compass inasmuch as the sole respondent was engaged as a casual labour on 23.10.1984 and was granted a temporary status with effect from 29.11.1989 vide order dated 20.7.1991, whereafter the petitioners confirmed the status of the respondent at par with Group 'D' employees with effect from the year 1995 vide order dated 16.02.1996. Suddenly, on 10.10.2019 the petitioner No.4 had issued a show cause notice to the sole respondent alleging therein fraudulent payment and misappropriation of government money at Patna G.P.O., to which the respondent had submitted his representation dated 16.10.2019, demanding relevant documents to submit his reply, however only some incomplete documents were handed over to him. Nonetheless, without initiating any regular departmental proceedings, the petitioner No.4 passed an order



dated 27.03.2020, directing for dispensing with the service of the respondent with immediate effect.

3. The original applicant, i.e. the respondent herein had argued before the Ld. CAT that on the basis of simple show cause notice dated 10.10.2019, no order such as the one dated 27.03.2020 could have been passed, dispensing with the service of the original applicant without either issuing any charge-sheet or holding any regular departmental inquiry which is not only against the principles of natural justice but also against Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 (hereinafter referred to as 'Rules, 1965') as also violates Article 311 of the Constitution of India.

4. The petitioners had filed a written statement before the Ld. CAT stating therein that the service of employees having temporary status at par with Group 'D' employees is not covered under the Rules, 1965, hence there is no requirement of either issuing any charge-sheet or initiating any regular departmental proceeding.

5. The Ld. CAT, by the impugned order dated 08.04.2025, relying on the judgment passed by the Hon'ble Apex Court in the case of *Nar Singh Pal vs. Union of India and Ors.*, reported in (2000) 3 SCC 588 has held that the case of the respondent herein



is squarely covered by the judgment rendered by the Hon'ble Apex Court in the case of ***Nar Singh Pal*** (*supra*), thus has quashed the orders dated 27.03.2020 and 04.01.2021 passed by the petitioner No.4 and petitioner No.3 respectively as also has set aside the show cause notice dated 10.10.2019.

6. At this juncture, we would gainfully quote paragraph Nos. 6 and 10 of the judgment rendered in the case of ***Nar Singh Pal*** (*supra*) herein below:-

“6. The appellant, no doubt, was a casual labour but as observed by the Tribunal, he had acquired temporary status with effect from 1-10-1989. Once an employee attains the "temporary" status, he becomes entitled to certain benefits one of which is that he becomes entitled to the constitutional protection envisaged by Article 311 of the Constitution and other articles dealing with services under the Union of India. A perusal of the impugned order by which the services of the appellant were terminated indicates that since the appellant had beaten one Mahender Singh with an iron rod and had also bitten him with his teeth on 20-4-1992 at 8.00p.m. while the said Mahender Singh was on duty as Gateman, Tax Bhawan, Agra, therefore, his services were terminated with immediate effect. Thus, the services were terminated on account of the allegation of assault made against the appellant. This Court on 24-1-2000 passed the following order:



"Learned counsel appearing for the respondents is granted six weeks' time to seek instructions whether regular departmental proceedings were taken in this matter or not."

10. Applying the above principles, the order in the instant case, cannot be treated to be a simple order of retrenchment. It was an order passed by way of punishment and, therefore, was an order of dismissal which, having been passed without holding a regular departmental enquiry, cannot be sustained."

7. At this juncture, we may also note that the Ld. CAT has also placed reliance on a judgment dated 24.01.2023, passed by a Co-ordinate Bench of this Court in CWJC No. 18014 of 2022 in the case of **Anita Kumari @ Anita Kisku vs. The Union of India and Others.**

8. The learned counsel for the petitioners has relied on an order dated 19.01.1995 issued by the Director (Staff), Department of Posts in support of the stand of the petitioners to the effect that in cases where it is proposed to dispense with the services of a casual labour, he/she may be issued a show cause notice and allowed reasonable opportunity to defend, before terminating his/her services.

9. We have heard the learned counsel for the petitioners and perused the materials on record, from which we find that the order



dated 19.01.1995 referred to by the learned counsel for the petitioners is not at all applicable in the facts and circumstances of the present case inasmuch as firstly, the petitioners have confirmed the status of the respondent at par with Group 'D' employees and secondly, the order dated 27.03.2020, dispensing with the services of the respondent herein, cannot be treated to be a simple order of retrenchment but is an order passed by way of punishment, therefore is reminiscent of an order of dismissal.

10. We further find that the case of the respondent is squarely covered by the law laid down by the Hon'ble Apex Court in the case of **Nar Singh Pal** (*supra*) wherein it has been held that though appellant of the said case is a casual labour but since he has acquired temporary status w.e.f 29.11.1989, he becomes entitled to the constitutional protection envisaged by Article 311 of the Constitution of India, thus no order of dismissal can be passed *qua* such employees without holding a regular departmental inquiry. In the present case also, merely on the basis of a simple show cause notice dated 10.10.2019, the petitioner No. 4 has issued an order dated 27.03.2020 dispensing with the service of the respondent herein, without either issuing any charge-sheet or holding any regular departmental inquiry. In fact, the case of the respondent herein stands on a better footing inasmuch as the petitioners have



confirmed his status at par with Group ‘D’ employees w.e.f the year 1995.

11. As far as applicability of the judgment rendered by the Hon’ble Apex Court in the case of *Narsingh Pal (supra)* to the facts and circumstances of the present case is concerned, the learned counsel for the petitioners has not disputed the same.

12. Having regard to the facts and circumstances of the case and for the foregoing reasons, we do not find any perversity or illegality in the impugned order dated 08.04.2025, passed in O.A. No. 050/00104/2021 passed by the Ld. CAT, hence the present writ petition stands dismissed being bereft of any merit.

(Mohit Kumar Shah, J)

(Shailendra Singh, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.01.2026
Transmission Date	NA

