

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5948 of 2025

Rupesh Kumar, Male, Son of Madan Prasad Yadav Resident of Village and
P.O.- Sembhuapur, P.S.- Dumariyaghat, Dist.- East Champaran- 845423.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Department of Posts, Government of India, Sansad Marg, Dak Bhawan, New Delhi- 110001.
2. The Secretary, Department of Posts, Government of India, Sansad Marg, Dak Bhawan, New Delhi- 110001.
3. The State of Bihar through the Principal Secretary, Department of Education, New Secretariat, Vikash Bhawan, Patna-800015.
4. The Secretary, Bihar Sanskrit Shiksha Board Harding Rd, Patna, Bihar- 800001.
5. The Chief Post Master General, Bihar Circle Harding Rd, Veerchand Patel Road Area, Patna, Bihar-800001
6. The Postmaster General, Northern Region, Muzaffarpur-842002
7. The Director Postal Services, Northern Region, Muzaffarpur-842002.
8. The Superintendent of Post Offices, East Champaran Division, Motihari- 845401

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Singh, Sr. Advocate Mr. Nilesh Sinha, Advocate
For the State	:	Mr. Sanjay, AC to AAG 4
For UOI	:	Mr. Radhika Raman, Sr. CGC Mr. R.K. Sharma, CGC Mr. Lokesh, Advocate
For BSSB	:	Mr. Shashank Shekhar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

7 03-02-2026 The present writ petition has been filed for quashing
the order dated 06.03.2024 passed by the learned Central



Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the 'Ld. CAT') in O.A. No. 050/00064/2023, whereby and whereunder the original application filed by the petitioner herein has been dismissed and it has been held that the impugned chargesheet dated 19.12.2020/01.01.2021 does not suffer from any infirmity.

2. This Court finds from the records, that during pendency of the aforesaid original application filed by the petitioner before the Ld. CAT, an order dated 03.03.2023 was passed by the Superintendent of Post Offices, Champaran Division, Motihari, whereby and whereunder the petitioner has been awarded the punishment of dismissal from engagement, which was challenged by the petitioner by filing one miscellaneous application bearing MA No. 050/0033 of 2024 in the month of January, 2024 itself before the Ld. CAT *inter alia* praying therein to quash the same. Apparently, it escaped the attention of the Ld. CAT, leading to non-consideration of the said miscellaneous application, resulting in the Ld. CAT having observed in paragraph No.35 of the impugned order dated 06.03.2024 that the impugned chargesheet has not given rise to any cause of action since the same has been issued by a competent authority, hence no pre-existing right of the applicant



has been infringed specially in absence of any challenge to the penalty order passed by the disciplinary authority on 03.03.2023 for the reason best known to the applicant.

3. Thus, we find that probably the Ld. CAT was either not apprised or could not perceive that a miscellaneous application bearing MA No. 050/0033 of 2024 was pending consideration with regard to amendment of original application to the effect of adding the prayer of quashing the order of dismissal dated 03.03.2023, however in the meantime, the order was reserved by the Ld. CAT on 23.01.2024.

4. Without going into the intricacies of the matter as also the veracity of the fact as to whether the miscellaneous application was brought to the notice of the Ld. CAT or not and as to whether the same ought to have been disposed of by the Ld. CAT or not, we find that the interest of justice would be served in case the matter is remanded back to the Ld. CAT for fresh consideration, especially regarding the legality of the order of dismissal dated 03.03.2023.

5. We had put a query to the learned senior counsel appearing for the petitioner, Sri. Rajesh Kumar Singh as also to the learned counsels appearing for the respondents as to whether they have any objection in case the matter is remanded back to



the Ld. CAT for considering afresh, not only the issue regarding legality of the chargesheet but also pertaining to the legality of the order of dismissal dated 03.03.2023, the answer of the learned senior counsel/counsels for the parties are in the affirmative.

6. Having regard to the agreement reached in between the parties, we deem it fit and proper to quash the order dated 06.03.2024 passed by the Ld. CAT in O.A. No.050/00064/2023 and remand the matter back to the Ld. CAT for adjudication afresh, which shall on the very first day of hearing deal with the miscellaneous application filed by the petitioner for amendment of the original application, to the extent of assailing the order of dismissal dated 03.03.2023 and thereafter, give an opportunity to the respondents to respond to the amended original application by filing supplementary/additional written statements and then the Ld. CAT shall adjudicate upon the merits of the order of dismissal *qua* the petitioner herein.

7. We further deem it fit and proper to request the Ld. CAT to dispose of the original application within a period of five months from today, especially considering the fact that the original application was filed in the year 2023 and the petitioner has been suffering all throughout on account of non-payment of



outstanding dues. It is made clear that any observation made in the present order shall not be construed to be an expression on the merits of the case. Nonetheless, the consequential benefits would abide by the final decision of the Ld. CAT.

8. Accordingly, the present writ petition stands disposed of.

(Mohit Kumar Shah, J)

(Alok Kumar Pandey, J)

GAURAV S./-

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