

(2007) 02 PAT CK 0148
In the Patna High Court
Case No : CWJC No. 11707 of 2006

The Union of India (UOI) and Others

APPELLANT

Vs

Mohan Ram and Another

RESPONDENT

Date of Decision : 15-02-2007

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19
Constitution of India, 1950 — Article 226

Citation : (2007) 2 PLJR 368

Hon'ble Judges : J.N. Bhatt, C.J; Chandramauli Kr. Pd., J

Bench : Division Bench

Advocate : Ravi Ranjan, Sarvadeo Singh, for the Appellant;

Final Decision : Dismissed

Judgement

1. Both these writ petitions arise out of the common judgment, therefore, they have been taken up for hearing together upon joint request of learned counsel for the parties and are being disposed of by this common order. By these writ petitions under Article 226 of the Constitution of India, the challenge is against the judgment of the Central Administrative Tribunal, Patna Bench, Patna, dated 28.9.2005, in O.A. No.51 of 2000 and O.A. No. 52 of 2000, whereby, the applications filed by the original applicants, respondents, herein, came to be allowed and the Tribunal directed that the impugned order dated 7.1.2000 shall stand set aside with a further direction to the respondents, petitioners before us, to reinstate the original applicants with immediate effect without any back wages and the same will not be treated as break in service.

2. We have heard learned counsel for the parties. We have considered the factual matrix of the present case. We have, also, considered the merits of the impugned judgment of the Tribunal.

3. With a view to appreciate the merits at the threshold of these writ petitions, let there be a skeleton projection of the facts giving rise to this petition:

(i) The respondents applied and filed applications u/s 19 of the Administrative Tribunal Act, 1985, for quashing the impugned orders dated 7.1.2000 with a further direction to the respondents, petitioners before us, to reinstate the original applicants on their original posts with all consequential service benefits.

(ii) That the original applicants came to be appointed as Extra Departmental Branch Post Masters (E.D.B.P.M.), Saukhara and Extra Departmental Branch Post Master, and, pursuant to the orders dated 29.7.1992 and 14.7.1992, respectively, after facing due process of selection.

(iii) Unfortunately, there was a complaint against their appointments and, therefore, the appointment orders were reviewed by the Post Master General (P.M.G.), South Region, Ranchi and it was noticed that both the applicants have no income and, also, the name of one of the applicants Mohan Ram has not been muted in the revenue records and that is the reason why the Post Master General vide letter dated 28.6.1994 directed the Superintendent of Post Offices, Sasaram to terminate the services of the original applicants in terms of the provision of Rule 6 of E.D.A. (C & S) Rules, 1964.

(iv) In pursuance of the aforesaid order, the Superintendent, original respondent no. 4, issued the orders of termination of their services that is how, both the applicants had to rush and knock the doors of justice of the Tribunal.

(v) The Tribunal upon evaluation and consideration of the factual aspects and legal proposition, as well as, the relevant case law, reached to a conclusion that the appointments of the original applicants on the aforesaid posts came to be cancelled on non-est grounds.

4. We have, also, given our anxious thoughts and consideration to the entire record and we are of the opinion that the view taken by the Tribunal cannot be faulted. The jurisdictional sweep of this Court while entertaining a writ petition under Article 226 of the Constitution of India, of course, is wide but is not as that of an appellate Court. What is the anxiety of the Court is to see whether the process of recruitment, inquiry, or decision making, is in any way vitiated on account of celebrated well founded parameters. This Court cannot take a view that a better view is possible or not supposed to examine the quality of the impugned order by making authority which must figure in the mind.

5. After having considered the facts and circumstances emerging from the record and the text and tenor of the impugned order of the Tribunal, we find no justification for interfering with the impugned judgment of the Tribunal in exercise of our constitutional, extraordinary, prerogative and discretionary writ jurisdiction under Article 226 of the Constitution of India. In the result, this petition shall stand dismissed at the threshold.