

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12453 of 2024

1. The Union Of India Through The Director General Of Post, Dak Bhawan, New Delhi- 110001.
2. The Chief Post Master General, Bihar Circle, GPO Complex, P.O.- GPO, P.S. Kotwali, Town and District- Patna, Bihar, Pin Code- 800001.
3. The Director Postal Service , Office of the Chief Post Master General, Bihar Circle, GPO Complex, P.O.- GPO, P.S. Kotwali, Town and District- Patna, Bihar, Pin Code- 800001.
4. The Superintendent of Post Offices, Nalanda Postal Division, Biharsharif, District-Nalanda, Bihar, Pin Code- 803101.
5. The Director, Postal Accounts, GPO Complex, P.O.- GPO, P.S. Kotwali, Town and District- Patna, Bihar Pin Code- 800001.

... ... Petitioner/s
Versus

Nawal Kishore Sinha Son of Sri Sadhu Sharan, Ex-PRI (P), Biharsharif Head Office, Resident of Village- Tufanganj, P.O.- Sohasarai, P.S. Sohsarai, District- Nalanda, Bihar Pin Code- 803118.

... ... Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Advocate, CGC
For the Respondent/s	:	Mr. Munna Pd Dixit, Advocate
		Mr. Sanjay Kumar Chaubey, Advocate
		Mr. Milind Raj Dixit, Advocate
		Mr. Punit Ranjan Dixit, Advocate
		Ms. Swarnika Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL JUDGMENT

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

Date : 20-03-2025

In the instant writ petition, petitioner – Union of India/Postal Department have assailed the order of the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as ‘CAT’) dated 22.02.2024 passed in O.A. No. 050/0426 of 2017. Respondent - *Nawal Kishore Sinha* was subjected to minor



penalty proceedings under Rule 16 of CCS (CCA) Rules, 1965 (hereinafter referred to as 'the Rules, 1965'). In this regard, show caused notice was issued on the alleged allegation that respondent has alleged to have caused loss to the department to the tune of Rs. 1,29,36,015/-.. Respondent had submitted his reply on 26.07.2017. Disciplinary authority proceeded to drop the charges on 28.06.2017 while indicating that such dropping of proceedings was without prejudice to further disciplinary action and on the same day for major penalty charge memo was issued under Rule 14 of the Rules, 1965. Thereafter, respondent has filed his reply on 07.07.2017 and it was not satisfied by the disciplinary authority and proceeded to appoint Inquiring Officer and other formalities. In the meanwhile, respondent has attained age of superannuation and retired from service and his certain retiral benefits have been withheld. In this backdrop, respondent has assailed the action of the petitioners which was subject matter of O.A. No. 050/0426 of 2017 before the CAT.

2. The core issue involved in the present *lis* is whether disciplinary authority is empowered to initiate fresh inquiry while dropping the first inquiry without assigning any reasons or not ? The CAT has taken note of policy decision of the petitioners/department dated 05.07.1979 which has been extracted



in Paragraph No. 6 so also order dated 28.06.2017 insofar as dropping the disciplinary proceedings initiated under Rule 16 of the Rules, 1965. Reading of the Paragraph No. 3 of the policy decision of the department dated 05.07.1979, it is crystal clear that while dropping proceedings initiated and further action which may be considered should be supported by reasons for cancellation or dropping the initial disciplinary proceedings initiated against government servant. In the present case, disciplinary authority has taken note of later portion of the Paragraph No. 3 of the order dated 05.07.1979 and without assigning the reasons, the same has been taken note of by the CAT while allowing O.A. No. 050/426 of 2017.

3. Learned counsel for the petitioners intends to segregate Paragraph No. 3 of the policy decision dated 05.07.1979 insofar as reasons for cancellation of original chargesheet to be mentioned even after issuing fresh charge-sheet. There are two ingredients, according to the learned counsel for the petitioners the word used is 'or' insofar as cancellation of original charge-sheet or dropping the proceedings, insofar as dropping the proceedings reasons need not be assigned.

4. Contention of the petitioners to read Clause 3 of policy dated 05.07.1979 independently for cancellation and



dropping of charge is not acceptable in view of the fact that cancellation of original charge-sheet or for dropping the proceedings are identical, however, Clause 3 of the policy decision dated 05.07.1979 is crystal clear that reasons for cancellation of original charge sheet or for dropping the proceedings are mandatory, therefore, invariably reasons must be assigned in respect of cancellation of original charge sheet or dropping the proceedings. In other words, assigning reasons for cancellation of dropping the proceedings is a mandatory requirement, the same has been taken note of by the CAT. Therefore, petitioners' contention that it should be read independently cannot be acceptable.

5. Accordingly, the petitioners have not made out a case so as to interfere with the CAT order dated 22.02.2024 passed in O.A. No. 050/0426 of 2017. Accordingly, present writ petition stands dismissed.

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.03.2025
Transmission Date	NA

