

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Review Application No. 180/00007/2020 in
Original Application No. 180/00127/2019
&
Miscellaneous Application No. 180/00599/2020 in
Review Application No. 180/00007/2020 in
Original Application No. 180/00127/2019

_____, this the _____ day of November, 2020

CORAM:

Hon'ble Mr. Ashish Kalia, Judicial Member

1. Union of India, represented by the Secretary to the Government of India, Ministry of Communication & IT Department of Post, New Delhi.
2. The Chief Post Master General, Department of Posts, Kerala Circle, Thiruvananthapuram.
3. The Director of Accounts, Kerala Circle (Postal), Kerala Circle, Thiruvananthapuram.
4. The DDG (PAF), Postal Accounts Wing, IV Floor, Dak Bhavan, New Delhi. **Review Applicants**

(By Advocate : Mr. K.N. Radhakrishnan, ACGSC)

V e r s u s

C. Manmadhan Pillai, S/o. A. Chellappan Pillai,
 Retired Senior Accountant, PA V/VI SEC, O/O
 Director of Accounts (Postal), Thiruvananthapuram,
 residing at Kedhara, SRA142A, Sreenagar, Vattiyoorkavu,
 Thiruvananthapuram. **Respondent**

(By Advocate : Mr. V. Sajith Kumar)

O R D E R (In circulation)

Per: Ashish Kalia, Judicial Member -

This review application has been filed by the respondents in OA No. 180/127/2019 which was allowed by this Tribunal vide Annexure RA1 order

dated 29.1.2020.

2. The applicant in the above OA approached this Tribunal seeking relief as under:

“(i) To quash Annexure A-4.

(ii) To direct the respondents to permit the applicant to retire voluntarily from the Cadre of Assistant Accounts Officer with effect from the forenoon of 28.09.2018 and to grant him all consequential benefits.

(iii) Grant such other reliefs as may be prayed for and as the Court may deem fit to grant,

(iv) Grant the cost of this Original Application.”

3. The OA was allowed by this Tribunal vide order dated 29.1.2020 directing as under:

“6. This Tribunal see no reason why the same treatment cannot be given to the applicant as there is no monetary benefits to him. Accordingly, this Tribunal finds merit on the side of the applicant and the O.A is allowed. The applicant be allowed to retire from the post of Assistant Accounts Officer like other two officers were allowed to retire on the same post. There shall be no order as to costs.”

4. The review applicants filed this RA alleging that the findings of this Tribunal that two officials i.e. Mr. Muraleedharen Nair and Mrs. Sreekumari were permitted to retire from the cadre of Assistant Accounts Officer is not correct. These two persons also submitted the request seeking permission to retire from service from the cadre of Assistant Accounts Officer which were replied vide Annexure A3 and both the above officials retired as Senior Accountant w.e.f. 9.10.2018 and 31.05.2018 respectively. Therefore, the findings of this Tribunal that the said two persons were permitted to retire

from the cadre of Assistant Accounts Officer is incorrect.

5. After considering the contentions raised by the review applicants in the RA as well as the contentions raised by the review respondent (applicant in the OA) in MA No. 180/599/2020, this Tribunal is of the view that the review respondent (applicant in the OA) has mis-represented before this Tribunal stating that Mr. Muraleedharen Nair and Mrs. Sreekumari were permitted to retire from the cadre of Assistant Accounts Officer and because of the applicant in the OA being similarly situated, the OA was allowed believing the statement of the review respondent.

6. The review applicants have filed this RA pointing out an error apparent on the face of the record and this Tribunal is convinced that the other two officials namely Mr. Muraleedharen Nair and Mrs. Sreekumari have not retired from the cadre of Assistant Accounts Officer. Therefore, the RA is allowed and order dated 29.1.2020 is recalled and the matter may be posted for hearing before this Tribunal on 09.12.2020.

(ASHISH KALIA)
JUDICIAL MEMBER

“SA”

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REVIEW APPLICANTS' ANNEXURES

- Annexure RA(1)** – True copy of the order dated 29.1.2020 in OA No. 127/20219 of this Hon'ble Tribunal.
- Annexure RA(2)** – True copy reply notice given to Mr. Muraleedharan Nair P.G. Dated 24.9.2018.
- Annexure RA(3)** – True copy of reply notice given to Mrs Sreekumari sreekumar dated 24.9.2018.
- Annexure RA(4)** – Copy of office order dtd. 11.10.2018.
- Annexure RA(5)** – Copy of office order dtd 10.5.2019.

REVIEW RESPONDENT'S ANNEXURES

- Annexure RR1** – True copy of the memo No. 906/Admn.I/E.I/C-53B/Vol-I/2018-19 dated 3.8.2018 issued by the 3rd respondent to Assistant Director (Staff & Vigilance).
- Annexure RR2** – True copy of the OO No. 244/Admn.I/EI/C-53B/Vol.V/2018-19 dated 30.8.2018 issued by the 3rd respondent to the Assistant Director (Staff & Vig).

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