

Central Administrative Tribunal  
Principal Bench, New Delhi

Regn. No. RA-101/89 In  
OA-602/87

Date: 30-8-89

Shri V. Krishnamoorthy .... Petitioner

Versus

Union of India & Ors. .... Respondents

For the Petitioner .... In person

For the Respondents ....

CORAM: Hon'ble Shri P.K. Kartha, Vice-Chairman (Judl.)  
Hon'ble Shri D.K. Chakravorty, Administrative Member

1. Whether Reporters of local papers may be allowed  
to see the Judgement? No

2. To be referred to the Reporter or not? No

(Judgement of the Bench delivered by Hon'ble  
Shri P.K. Kartha, Vice-Chairman)

The petitioner in this review petition had filed OA-602/87 in the Tribunal in which he had impugned the order dated 18th June, 1986 passed by the respondents whereby he was compulsorily retired under F.R.56(j). The Tribunal, vide judgement dated 22.5.1989, held that the impugned order of compulsory retirement was not legally sustainable. As regards the relief to which the applicant would be entitled, it was stated in para. 26 of the judgement that the applicant would have retired from Government service on attaining the age of superannuation on 31st August, 1989, had not the impugned order been passed. As such, no useful purpose would be served if we were to order his reinstatement in service at this stage. In the interest of justice, we, however, directed that the applicant should be deemed to have retired from Government service on

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11.8.1986, i.e., after the expiry of three months from the date of his notice for voluntary retirement under F.R. 56(k). He would be entitled to the benefit of the qualifying years of service in accordance with the provisions of Rule 48-B(1) of the C.C.S.(Pension) Rules, 1972 and other benefits to which an officer retiring pursuant to the provisions of F.R.56(k) would be entitled to. His pension also should be recomputed accordingly. The respondents were also given the liberty ~~opportunity~~ to take appropriate action for any alleged misconduct of the applicant in accordance with law, if so advised.

2. In the present petition, the petitioner has prayed that in view of the errors in the judgement dated 22.5.1989, the relief sought in the application originally be given to him, namely, reinstatement or, in the alternative, he be deemed to be in service till the date of his normal superannuation, as held in the case of Shri A.S. Bhatia Vs. Union of India and a clear pronouncement be made on his plea of a right to withdraw the application under F.R.56(k) within the time stipulated.

3. We have carefully gone through the judgement and the grounds on which the review has been sought. We do not see any error apparent on the face of the record. The petitioner has also not brought to our notice any fresh facts justifying the review of the judgement. After holding that the impugned order of compulsory retirement was not legally sustainable and quashing it, the Tribunal has moulded the relief to which the applicant would be entitled, having regard to the facts and circumstances of the case. Reference

to the case of Shri A.S. Bhatia Vs. Union of India, which was decided on different set of facts, is inappropriate. It may be that the petitioner is not satisfied with the decision given by the Tribunal. In that case, the appropriate course for him would be to move the Supreme Court with a Special Leave Petition and not to agitate the matter in a review petition. The judgement was delivered by the Tribunal after carefully considering the records of the case and hearing the learned counsel for both the parties. While giving the judgement, it is not necessary for the Tribunal to take up each and every issue raised in the application and deal with it. We see no merit in the present petition and the same is rejected.

*D. K. Chakravorty*  
(D. K. Chakravorty)  
Administrative Member

*P. K. Kartha*  
(P. K. Kartha)  
Vice-Chairman (Judl.)