

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

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

Thursday, this the 9th day of September, 2021

CORAM:

Hon'ble Mr. P. Madhavan, 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)

This Review Application having been heard on 06.09.2021 through video conferencing, the Tribunal on 09.09.2021 delivered the following:

O R D E R

Per: P. Madhavan, Judicial Member -

This is a Review Application filed by the official respondents against the order passed by this Tribunal on 29th January, 2020 in OA No. 180/127/2019.

2. This RA was earlier heard by the Single Bench and the Tribunal allowed the RA without giving notice to the other side. The matter was taken up before the Hon'ble High Court of Kerala and Hon'ble High Court has set aside the order of this Tribunal in OP (CAT) No. 4 of 2021 and directed the tribunal to consider the matter afresh after giving notice. Accordingly, the RA came up for consideration. The respondents were given notice and both the parties were present and heard.

3. The review respondent had filed the OA seeking a relief to quash Annexure A4 and seeking a direction to the official respondents to permit the applicant to retire voluntarily from service from the cadre of Assistant Accounts Officer (AAO) w.e.f. 28.9.2018. The review applicants objected to the contention and filed their reply and additional reply statement to substantiate the objection of the respondents that the applicant is not entitled to voluntarily retire from service w.e.f. 28.9.2018 as AAO. This Tribunal after hearing the matter had allowed the OA vide order dated 29.1.2020 and allowed the applicant to retire from service from the cadre of AAO mainly on a finding that as per Annexure A7, two persons were allowed to retire from the same post. It is incorrect that two persons were allowed to retire from the cadre of AAO and therefore, there is a patent error on the face of judgment and hence it is liable to be reviewed. They have produced the copy of the judgment as Annexure RA(1). It is not correct to state that one Mr. Muraleedharen Nair and Mrs. Sreekumari Sreekumar were permitted to retire from the cadre of AAO. These two persons had submitted a request

seeking permission to retire from service from the cadre of AAO which were replied as per Annexure A3. A copy of the reply is produced as Annexure RA(2) and RA(3). Both these officers retired from the post of Senior Accountant and not as AAO. Mr. Muraleedharen Nair was permitted to retire from the cadre of Senior Accountant w.e.f. 9.10.2018 as per Annexure RA(4). Likewise Mrs. Sreekumari Sreekumar retired on superannuation on 31.5.2018 from the post of Senior Accountant. A copy of the order is produced as Annexure RA(5). The Tribunal has mistakenly held that these two persons were permitted to retire from the cadre of AAO. It is patently incorrect. So the judgment of this Tribunal dated 29th January, 2020 in OA No. 180/127/2019 has patent mistakes and it is to be reviewed.

4. This Tribunal had issued notices to both sides and counsel appearing on both sides were present. Both of them had admitted that there had occurred a mistake in the judgment of this Tribunal regarding the voluntary retirement of the above two persons namely Mr. Muraleedharen Nair and Mrs. Sreekumari Sreekumar as this Tribunal took the view that these persons were also AAO.

5. So from the above it can be seen that the order of the Tribunal has patent mistakes which has to be corrected. Hence, I hereby review the earlier order and recall the order passed by this Tribunal on 29th January, 2020 in OA No. 180/127/2019.

6. Accordingly, the RA is allowed as above and the OA No. 180/127/2019 is restored to its original position and will be posted for appearance of the parties on 06.10.2021.

(P. MADHAVAN)
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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