

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE 26TH DAY OF MARCH, 1987

Present: Hon'ble Justice Shri K.S. Puttaswamy ... Vice-Chairman
Hon'ble Shri P. Srinivasan ... Member(A)

Application No.1794/86

S.V. Padmanabha,
NO.35/3, 1st Anjaneya
Temple Street, Link Road,
Seshadripuram,
Bangalore-560020.

.... Applicant

VS

Shri Heera Radhakrishnan,
Deputy Collector of Central Excise,
Personal and Establishment
Central Revenue Building, Queen's Road,
Bangalore-560001.

.... Respondent

(Shri Padmarajaiah SCGSC)

This application having come up for hearing today, the

(Am)

Shri P. Srinivasan, Hon'ble Member made the following:

ORDER

In this application, the applicant is aggrieved with the order dated 27-10-1986 passed by the Deputy Collector of Central Excise, Bangalore, by which he was retired from service under rule 56(J) of Fundamental Rules.

2. The application was fixed for hearing on 3.3.87 when the applicant was present in person as also the counsel for the respondent. It was adjourned to today. The case was called out today several times today, but till evening, the applicant did not appear in court. We, therefore, proceeded with the matter with the assistance of Shri M.S. Padmarajaiah, learned counsel for the Respondents.

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3. In this application, the applicant contends that because he was making representation on various matters from time to time, the authorities ^{by} ^{of} got annoyed with him and so passed the impugned order.

4. Shri Padmarajaiah denied the allegation of the applicant that he had been compulsorily retired from service because the higher authorities were annoyed with him. He also refuted the contention in the application that the applicant's service was without blemish and his integrity ^{is} was above board. He called our attention to the facts narrated in the reply filed on behalf of the respondents in which reference has been made to many complaints against the applicant touching upon his integrity. He had once earlier been reduced in rank from the post of Upper Division Clerk to Lower Division Clerk in 1973. He produced the records on the basis of which the impugned order was passed, the proceedings of the Review Committee and its recommendations to retire the applicant. At its meeting held on 1.5.1986, the Review Committee considered the cases of 12 persons who had completed 30 years of service and fell within the scope of FR 56(J). The Committee, after considering the material collected and presented to it in respect of the applicant, came to the conclusion that it was in the public interest to retire him. The Committee also decided that all the other 11 persons could be continued in service. Thus the Review Committee had considered the matter very carefully and had taken into consideration all relevant facts and there was no element of arbitrariness or mala fides in coming to this decision. He, therefore, contended that the application deserved to be dismissed.

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5. We have perused the original records covering the meeting of the Review Committee which considered the case of the applicant for compulsory retirement under FR 56(J). We find that there was considerable material before the Review Committee which were relevant for the purpose. We are convinced that the Review Committee considered all this material and came to the conclusion that it was in the public interest to retire the applicant. Thereafter the formal approval of the Central Board of Excise and Customs was also obtained and it was only then that the Deputy Collector of Central Excise (Personnel and Establishment), Bangalore, who is the appointing authority in respect of the applicant, passed the order retiring him under the said Fundamental Rule. We, therefore, see no merit in this application.

6. In the result, the application is dismissed. Parties to bear their own costs.

[Signature]
Vice-Chairman *26/3/87*
26.3.87

[Signature] *26/3/87*
Member(A)
26.3.87

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
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CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
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Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Dated : 7-7-87

REVIEW APPLICATION NO 89 / 87 ()
IN APPLICATION NO. 1794/869F)

W.P. NO

Applicant

Shri S.V. Padmanabha

V/s The Dy Collector of Central Excise
Bangalore

To

1. Shri S.V. Padmanabha
35, 1st Anjaneya Temple Street
Seshadripuram
Bangalore - 560 20
2. Shri S.S. Padmaraj
Advocate
No. 53, II Floor, Vanivilas Road
Basavenagudi
Bangalore - 560 004

3. The Deputy Collector of
Central Excise
(Personal & Establishment)
Office of the Collector of
Central Excise
Queens' Road, Bangalore - 560 001
4. Shri M.S. Padmarajiah
Senior Central Govt. Stng Counsel
High Court Buildings
Bangalore - 560 001

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~/
~~INFERIAL ORDER~~ passed by this Tribunal in the above said
application on 30-6-87.

SECTION OFFICER
(JUDICIAL)

Encl : as above

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 30TH DAY OF JUNE, 1987

Present | Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
| Hon'ble Shri L.H.A. Rego, Member (A)

REVIEW APPLICATION NO. 89/87

IN

APPLICATION NO.1794/86

Shri S.V. Padmanabha,
S/o late S.V. Dasappa,
L.D.C. O/o the Collector
of Central Excise,
Rajajinagar Division,
Bangalore-9.

..... Applicant

(Shri S.S. Padmaraj, Advocate)

v.

The Deputy Collector of Central Excise,
Personal and Establishment Office,
Office of the Collector of Central-
Excise, Queens Road, Bangalore-9.

..... Respondent.

(Shri M.S. Padmarajaiah, CGSSC)

This application having come up for hearing to-day,
Vice-Chairman made the following.

O R D E R

In Application No.1794/86 filed under Section 19 of the Administrative Tribunals Act, the applicant had challenged order No.C No.II/18/1/86 Con.Sec. dated 27.10.1986 of the Deputy Collector of Central Excise (Personnel & Establishment) (DC) compulsorily retiring him from service under Rule 56(j) of the fundamental Rules (FR). That application was posted before a Division Bench consisting of one of us (Shri K.S. Puttaswamy, VC) and Shri P. Srinivasan (Member A) on 26.3.1987 and that Bench dismissed the same on merits, on that day,



noticing the absence of the applicant, who was then personally conducting his case. In IA No.1, filed the applicant has urged for recalling the order made on 26.3.1987 on the assumption that the application had been dismissed for default. But since that was not the fact, the applicant has made an application on 10.6.1987 to convert IA No.1 as a Review Application. We grant this request and treat IA No.1 as Review Application and direct the office to register IA No.1 as a Review Application.

2. We have heard Shri S.S. Padmaraj, learned counsel for the applicant and Shri M.S. Padmarajaiah on the Review Application.

3. On an examination of all facts and circumstances this Tribunal had found that the order of retirement made under FR 56(j) did not suffer from an error of jurisdiction or illegality to justify its annulment. Every one of the submissions now made by Shri Padmaraj really touch on the merits of that order, or he wants us to examine that order as if we are a court of appeal and come to a different conclusion which is not permissible. Even otherwise we are satisfied that the records once again perused by us and also the counsel for the applicant undoubtedly called for the order made by DC.

4. In the light of our above discussion we hold that this R.A. is liable to be rejected. We, therefore, reject this Review Application. But in the circumstances of the case, we direct the parties to bear their own costs.



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SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

Vice-Chairman

30/4

Member (A)

30.6.87

B-80

(22)

126	A No. 1794/86 (F)	✓ S. V. Padmanaba	26-3-87	Dismissed (C) issued on 6/4/87
127	A No. 1732/86 (F)	✓	26-3-87	Disposed of (C)
28	A No. 1458/86 (T) (CWP No. 7054/85)	✓ S. S. Chandrasekhar Pillai	27-3-87	DO (C) issued on 4/5/87
29	A No. 1839/86 (T) (CWP No. 4946/83)	✓ P. K. Shivanand	27-3-87	Disposed of (C) issued on 30/3/87 issued to Board of Directors
30	A No. 187/86 (F)	✓ K. Ramanna	27-3-87	Dismissed (C) issued on 13/3/87
131	A No. 1242/86 (T) (CWP No. 17642/82)	✓ K. Ravindran Nair	- DO	partly allowed (C) issued on 4/5/87
132	A No. 1269/86 (T) (CWP No. 2002/83)	✓ M. Dwarka Kanath	- DO	partly allowed (C) issued on 14-4-87
33	A No. 89/87 (F)	✓ A. E. Kuri	30-3-87	Disposed of (C) issued on 4/5/87
34	A No. 1741/86 (F)	✓	30-3-87	- DO - (C)
35	R.A No. 33/87 w (A No. 160/86)	✓	30-3-87	Allowed (C)
36	A No. 940/86 (T) (CWP No. 29954/82)	✓	30-3-87	Dismissed (C)
37	A No. 660/86 (F)	✓	- DO -	- DO - (C)