

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
@@@CCCCCCCCCCCC

Commercial Complex (BDA),
Indiranagar,
Bangalore - 560 038

Dated : 18.9.87

APPLICATION NO 1990 /86(F)

W.P. NO _____ /

Applicant

Shri Syed Gulam Jilani

V/s The Supdt of Post Offices, Raichur Divn.

To

1. Shri Syed Gulam Jilani
Mail Overseer Post Offices (Retd)
H. No. 28/1, Kushtagi - 584 121
Raichur District

4. Shri M.S. Padmarajaiah
Central Govt. Stng Counsel
High Court Buildings
Bangalore - 560 001

2. Shri J.M. Riazuddin
Advocate
No. 181, 8th Cross
Malleswaram
Bangalore - 560 003

3. Shri M.V. Devarajan
Superintendent of Post Offices
Raichur Division, Raichur

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~XXXXXX~~

~~INTERIM ORDER~~ passed by this Tribunal in the above said
application on 14-9-87.

Encl : as above

Mr. Venkatesh
Deputy Registrar
Section ~~XXXXXX~~
(JUDICIAL)

RECEIVED (W) on 18/9/87

Diary No. 1159 JCR/87

Date: 18/9/87 B

Om Date: 18/9/87 B

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE FOURTEENTH DAY OF SEPTEMBER 1987

Present : Hon'ble Shri Ch. Ramakrishna Rao ... Member (J)

Hon'ble Shri P. Srinivasan ... Member (A)

APPLICATION NO. 1990/86(F)

Syed Gulam Jilani,
Mail Overseer Post Offices (Retd),
Residing at Kushtagi,
District: Raichur

... Applicant

(Shri J.M. Riazuddin ... Advocate)

v.

M.V. Devarjan,
Supdt. of Post Offices,
Raichur Division,
Raichur.

... Respondent

(Shri M.S. Padmarajaiah ... Advocate)

This application came up for hearing before this Tribunal today.

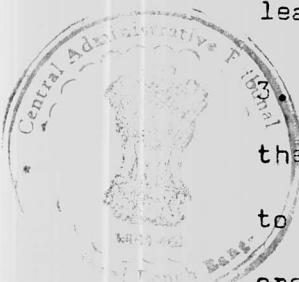
Hon'ble Shri P.Srinivasan, Member (A) made the following:

C O P Y

This is an application under Section 19 of the Administrative Tribunals Act, 1985.

2. When the matter was called out, neither the applicant nor his counsel were present. After waiting for some time, we decided to proceed with the application with the assistance of Shri M.S.Padmarajaiah, learned counsel for the respondents.

3. The applicant was working as Mail Overseer at Hanumagardh under the control of the Post Master General, Bangalore (PMG). He was due to superannuate in the normal course on 30.6.1986. However, by an order passed by the Superintendent of Post Offices, Raichur, under Fundamental Rule 56(j) (FR) on 4.8.1984, the applicant was retired from service after the notice period of three months. Since this order was served on the applicant on 20.8.1984, his retirement took effect from 21.11.1984. In this application, the applicant challenges the said order dated 4.8.1984.



15-10-87

4. Shri Padmarajaiah points out that the application is well beyond time. The order retiring the applicant was passed on 4.8.1984 and the retirement actually took effect from 21.11.1984, but the application has been filed as late as on 28.11.1986. Further, Shri Padmarajaiah also points out that no grounds have been urged in the application against the impugned order. It is the absolute right of the competent authority to retire a Government servant, after he has completed 30 years of service or has attained 55 years of age, if it considers it in the public interest to do so. The exercise of this right can be challenged in a court by the official concerned only on the ground that the authority had not actually taken a decision that it was in the public interest to retire him or that the decision to retire him was arbitrary or was based on no material or was motivated by malice and was, therefore, mala fide. No allegation has been made in this application in respect of any of these matters. Shri Padmarajaiah urges that this application should be dismissed as unsupported by any ground whatsoever.

5. We have perused the application carefully and find that indeed no grounds have been urged against the impugned order of premature retirement. Nowhere in the application ^{of} ~~it~~ is urged that it was not in the public interest to retire the applicant or that the decision was mala fide, was based on no material or was motivated by malice. In view of this, we find no merit in this application.

6. We have also perused the records and find that the High Power Committee ^{had} ~~reviewed~~ the cases of all officials like the applicant and while clearing others, had recommended the applicant and another person to be retired in the public interest. Thus, the necessary requirements are also fulfilled. Without going into the question of limitation, which has also been raised by Shri Padmarajaiah, we feel that this application should be dismissed on merits.



P. S. T.

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

Sd/-

MEMBER (J)

Sd/-

MEMBER (A)

14/9/88

-True copy-



bsv

R. V. Venkatesh
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL 18/9
ADDITIONAL BENCH
BANGALORE

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
.....

Commercial Complex(BDA),
Indiranagar,
Bangalore- 560 038.

Dated: 26-11-87

REVIEW APPLICATION NO. 115
IN APPLICATION NO. 1990/86(F)
W.P.No.

/87 ()

APPLICANT

VS

RESPONDENTS

Shri Syed Gulam Jilani

The Supdt of Post Offices, Raichur Division,
Raichur

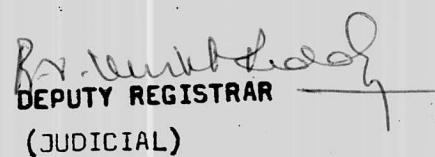
To

1. Shri Syed Gulam Jilani
Mail Overseer Post Offices(Rtd)
H.No. 28/1, Kushtagi - 584 121
Raichur District
2. Shri B.B. Mandappa
Advocate
115/3, Balappa Bldg,
Seshadripuram Circle
Bangalore - 560 020
3. The Superintendent of Post Offices
Raichur Division
Raichur
4. Shri M.S. Padmarajaiah
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/~~STAN~~
~~ORDER~~ passed by this Tribunal in the above said ^{Review} Application
on 18-11-87.

Encl: as above.


DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 18TH DAY OF NOVEMBER, 1987

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

REVIEW APPLICATION NO. 115/1987

Shri Syed Gulam Jilani,
Mail Overseer Post Offices (Retd)
Residing at Kushtagi,
District: Raichur.

.... Applicant

(Shri B.B. Mandappa, Advocate)

v.

The Superintendent of Postoffices,
Raichur Division, Raichur.

.... Respondents

(Shri M.S. Padmarajaiah, SCGSC)

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

O R D E R

In this application made under Section 22(3)(f) of the
Administrative Tribunals Act, 1985, the applicant has sought
for a review of the order made by a Division Bench of this
Tribunal dismissing his application No.1990/86.

2. In A.No.1990/86 the applicant had challenged an order
of retirement made against him by the competent authority
under Fundamental Rules 56(j) (F.R. 56J)

3. On the day the case was called the applicant and his
learned counsel were absent. But still the Division Bench
on a detailed examination of the grounds urged by the
applicant and records found that the retirement was justified
and, therefore, dismissed his application.



4. Shri B.B. Mandappa, learned counsel, for the applicant contends that the absence of the learned counsel for the applicant was for reasons beyond his control and the same constitutes a patent error and justifies a review of the order made by this Tribunal on 14.9.1987.

5. Shri M.S. Padmarajaiah, learned counsel, for the respondents, contends that the ground urged even if true and correct does not constitute a patent error to justify a review.

6. We will assume that there were justifiable reasons for the absence of the learned counsel for the applicant as also the applicant on the day the case was called and decided by this Tribunal. But those grounds by themselves will not constitute a patent error to justify a review under Section 22(3)(f) of the Act. We see no merit in this contention of Shri Mandappa and we reject the same.

7. Even otherwise we find that the order made by this Tribunal on a full and detailed consideration of all the questions does not disclose any patent error to justify a review of the order made by this Tribunal.

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

R.V. Venkatesh
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL

Vice-Chairman

Sd/-

18/11/87

Sd/-
Member (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : ~~TRUE COPY~~

4 AUG 1988

CIVIL APPLICATION NO. _____
IN APPLICATION NO. 1990/86(F)
W.P. NO. _____

1

/88

Applicant(s)

Respondent(s)

Shri Syed Gulam Jilani
To

v/s The Supdt. of Post Offices, Raichur

1. Shri Syed Gulam Jilani
House No. 28/1, Kushtagi - 584 121
Raichur District

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY/EXERCISE OF ORDER~~
passed by this Tribunal in the above said application(s) on 29-7-88.

R.V. Venkatesh
DEPUTY REGISTRAR
(JUDICIAL)

Encl : As above

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 29TH DAY OF JULY, 1988

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

CIVIL APPLICATION NO. 1/83

Shri Syed Gulam Jilani,
S/o Syed Abdul Quader,
Rtd. Mail Overseer Post
Offices, Hanumasagar,
R/o KUSHTAGI - 584 121.

.... Applicant.

v.

Superintendent of Postoffices,
Raichur.

.... Respondent.

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

ORDER

This is an application made by the applicant under Article 136 (1) of the Constitution of India praying for a certificate of fitness to appeal against the decision of this Tribunal in A.No.1990/86.

2. In A.No. 1990/86, filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant had challenged his compulsory retirement from service under rule 56 (j) of the Fundamental Rules (FR). On an examination of the same, a Division Bench of this Tribunal, consisting one of us (Shri P. Srinivasan, Member), dismissed the same on 14.9.1987 for the reasons stated in the order of that date:-

3. In this application sent by post, the applicant has sought for a certificate of fitness to appeal to the Supreme Court.



4. As this application is clearly not maintainable, we consider it unnecessary to notify the applicant. We, therefore, propose to deal with the same on merits.

5. Article 132, 133 and 134(A) of the Constitution, which deal with the grant of certificates to appeal to the Supreme Court, or Article 136 (1) invoked by the applicant do not empower this Tribunal to grant a certificate to appeal to the Supreme Court. From this, it is clear that this application made before us, is not maintainable. If that is so, then the question of this Tribunal examining the merits does not arise. We, therefore, decline to examine the merits of this application.

6. On the foregoing discussion, we hold that this application is not maintainable. We therefore dismiss the same with no order as to costs.



10/1/88
/Mrv.

Sd/-

VICE-CHAIRMAN

29/7/88

Sd/-

MEMBER (A)

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R. Venkatesh
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL (18)
BANGALORE