

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

DATED THE 5TH NOVEMBER, 1986

Application No. 847 of 1986(T)
W.P.No.1991 of 1982

Present

SHRI CH. RAMAKRISHNA RAO : MEMBER (JM)

SHRI P. SRINIVASAN : MEMBER (AM)

Shri B.M. Balakrishna,
S.P.M. Indiranagar Post Office,
Indiranagar, Bangalore-560038. ... Applicant

(Shri M. Raghavendrachar, Advocate)

1. Director of Postal Services,
Bangalore-1.

2. The Post Master General,
Karnataka Circle,
Palace Road, Bangalore-1. Respondents

(Shri M. Vasudeva Rao, Advocate)

This case came up for final hearing before Court-2 today. The Hon'ble Member (AM), Shri P. Srinivasan made the following:

O R D E R

In this application which was originally filed as a Writ Petition before the High Court of Karnataka, the applicant has challenged an order dated 23.11.1981 by which he has been retired from service under F.R.56(j)(ii)

2. Shri M.R. Achar, learned counsel for the applicant contends that the order of compulsory retirement under F.R. 56(j) was not justified because only a little more than a year before his retirement, the applicant has been promoted as Post Master Higher Selection Grade I. Some adverse remarks were communicated

P. S. We

.../-

to him on 29.4.1980 against which the applicant had made no representation, but since the applicant had been promoted to a higher post after this adverse remark was communicated, it should be taken that there was no material for the competent authority to form the opinion that it was in the public interest to retire the applicant compulsorily. If adverse remarks had been made in his Confidential Reports, which had not been communicated to him, they should not have been taken into consideration. In other words, his contention is that there was no material before the competent authority on which to form the opinion that it was in the public interest to retire him.

3. Shri M. Vasudeva Rao, learned counsel for the respondents, strongly opposes the contention of Shri Achar and urges that the High Power Committee authorised to review the case of the applicant for the purpose of FR 56(j) had considered the available material and had come to the conclusion that it was not in the public interest to retain the applicant in the post in which he was serving. He has produced before us the minutes of the meeting of the High Power Committee which we have gone through. We find that the Committee has duly considered the work of the officer over his entire service and particularly during the last five years in which he was working as Post Master. The Committee has also considered a special report submitted to them for the purpose of review and have come to the conclusion that it was not desirable to continuus him in service in the post he was holding at that time.

P. S. The

.../-

The applicant was offered the choice of taking the immediate lower post but with no chances of promotion therefrom till he superannuated and the applicant had rejected the offer. Therefore, the applicant was retired under FR 56(j).

4. We, therefore, find no merit in the contention put forth before us on behalf of the applicant and we are satisfied that there was sufficient material to justify the action under FR 56(j) which had been taken followed the procedure prescribed for the purpose. In the result, the application is dismissed. No order as to costs.

P. Srinivasan

(P. Srinivasan)
Member (AM)
5.11.1986

Ch. Ramakrishna Rao

(Ch. Ramakrishna Rao)
Member (JM)
5.11.1986