

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.

[Signature]
Vice-Chairman 30/6/87
bsv/Mrv.

[Signature]
Member (A) 30.6.87

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
@@@@@@@@@@@@@@@@

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 Anjanaya Temple Street
Seshadripuram
Bangalore - 560 20

2. Shri S.S. Padmaraj
Advocate
No. 53, II Floor, Vanivilas Road
Basavanagudi
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~~/

~~INTERIM ORDER~~ passed by this Tribunal in the above said
application on 30-6-87.

Encl : as above

[Signature]
SECTION OFFICER
(JUDICIAL)

[Signature]

[Handwritten notes]
9/9/87

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 30TH DAY OF JUNE, 1987

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and
| Hon'ble Shri L.H.A. Rego, Member (A)

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IN
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SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

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Vice-Chairman

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Member (A)

30.6.87