

Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 12 FEB 1989

REVIEW APPLICATION NO (s) 108 / 88  
IN APPLICATION NO. 774/87(F)  
W.P. NO (s)

Applicant (s)

Shri A. Ayyappan

To

1. Shri A. Ayyappan  
Assistant Post Master (Retd)  
D-1, Postal Block  
P & T Colony  
Lee Wall, Bolar  
Mangalore - 575 001

Respondent (s)

v/s The Senior Supdt. of Post Offices, Mangalore & 3 Ors

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/ORDER/ORDER  
passed by this Tribunal in the above said <sup>Review</sup> application (s) on 30-1-89.

*By [Signature]*  
DEPUTY REGISTRAR  
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 30TH DAY OF JANUARY, 1989

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

REVIEW APPLICATION NO. 108/1988

Shri A. Ayyappan,  
Asst. Postmaster,  
Head Post Office,  
Mangalore.

.... Applicant.

v.

1. Sr. Supdt. of Post Offices,  
Mangalore-2.

2. Director of Postal Services,  
S.K. Region, O/o the P.M.G.  
Karnataka, Bangalore.

3. Postmaster General,  
Bangalore.

4. Union of India,  
rep. by its Secretary  
Dept. of Postal Services,  
New Delhi-1.

.... Respondents.

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

ORDER

Shri A. Ayyappan who is the applicant is present.

2. In this application made on 26.10.1988 under  
Section 22(3)(f) of the Administrative Tribunals Act of  
1985 (the Act) the applicant has sought for a review of  
our order made on 24.11.1987, dismissing his original  
application No. 774/1987 made under Section 19 of the Act.

3. In Application No.774/87, the applicant had challenged an order made on 22.4.1987 by the Director of Postal Services, Bangalore (Director) compulsorily retiring him from service under Rule 56 J (ii) of Fundamental Rules (FR) on diverse grounds. On hearing the learned Advocates for the applicant and respondents and examining the records, we have upheld the order of retirement made by the Director against the applicant. On 29.6.1988 the applicant made an application for recalling our order, restore the same to its file and hear the same on merits, which we rejected on 19.9.1988. Thereafter on 26.10.1988 the applicant has made this application.

4. An application for review under rule 17 of the Central Administrative Tribunals Procedural Rules of 1986 (Rules) has to be made within 30 days from the date of the order. On the terms of this Rule, this application made on 26.10.1988 is barred by time. On this short ground this application is liable to be rejected. But notwithstanding this we propose to examine whether there is any merit in this application.

5. We have refused our order and the grounds urged in the review application adopted as grounds for review.

6. We are of the view that our order does not suffer from any patent error to justify a review under Section 22(3)(f) of the Act read with order 47 Rule 1 of the CPC. We find no grounds for review.



7. Even otherwise, this application is nothing but a repetition of the earlier applications and is devoid of any merit. On this view also, this application calls for rejection.

8. In the light of our above discussion, we hold that this application is liable to be rejected. We, therefore, reject this application at the admission stage without notices to the respondents.



Sd/-  
VICE-CHAIRMAN  
30/4/87

Sd/-  
MEMBER (A) 10/5/87

Mr/Mrs.

TRUE COPY

*PA/Debendra*  
DEPUTY REGISTRAR (JUL)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\* \* \* \* \*

Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 20 SEP 1988

IA I IN APPLICATION NO.

774

/87(F)

W.P. NO.

Applicant(s)

Shri A. Ayyappan

To

1. Shri A. Ayyappan  
D-1, Postal Block  
P & T Colony  
Lee Wall, Bolar  
Mangalore - 575 001

2. The Senior Superintendent of  
Post Offices  
Mangalore - 575 002

3. The Director of Postal Services (SK)  
Office of the Post Master General  
Karnataka Circle  
Bangalore - 560 001

Respondent(s)

v/s

The Senior Supdt. of Post Offices, Mangalore  
& 3 Ors

4. The Post Master General  
Karnataka Circle  
Bangalore - 560 001
5. The Secretary  
Department of Postal Services  
New Delhi - 110 001
6. Shri M. Vasudeva Rao  
Central Govt. Stng Counsel  
High Court Building  
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/5748/INTERIM ORDER  
passed by this Tribunal in the above said application(s) on 19-9-88.

Encl : As above

20 9 88  
A. Ayyappan  
Applicant

RECORDED  
DEPUTY REGISTRAR  
(JUDICIAL)

**IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL ADDITIONAL BENCH,  
BANGALORE**

A. Ayyappan

V/s The Senior Supdt of Post Offices,  
A.No. 774/1987(F) Mangalore & 3 Ors

Order Sheet (contd)

M. Vasudeva Rao

Date

Office Notes

Orders of Tribunal

19/9/88

Telegrams received from the  
Branch enclosed, received  
at 2.20pm.

3.19/9

RSPYC/LHAR A 19.9.88

**ORDERS ON I.A.No. 1**

**APPLICATION TO RECALL OUR  
ORDER AND RE-HEAR THE MATTER**

In his letter addressed to this Tribunal on 7.7.88 which has been treated as an application for recalling our order the applicant has stated that since his advocate did not inform the date of hearing, the order made by us should be recalled and re-heard on merits.

On this application also we have notified the applicant. The applicant, who has been duly served, is absent.

We have perused the application and heard Sri M.V.Rao for the respondents.

We are of the view that every one of the facts and circumstances stated by the applicant, even if true and correct do not justify us to recall our order after hearing both sides. We see, no justification to recall our order. We, therefore, reject this application.

Sd/-  
MVR

Sd/-  
M(A)

TRUE COPY



*M. Vasudeva Rao*  
DEPUTY REGISTRAR (JD)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

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

Dated: 15-12-87

APPLICATION NO 774

/87 (F)

W.P.No. \_\_\_\_\_

APPLICANT

Vs

RESPONDENTS

Shri A. Ayyappan  
To

The Sr. Supdt of Post Offices, Mangalore  
and 3 Ors

1. Shri A. Ayyappan  
D-1, Postal Block  
P & T Colony  
Lee Wall, Bolar  
Mangalore - 575 001
2. Smt Yamuna Sridharan  
Advocate  
'Ram Dooth'  
No. 24, Yamuna Bai Road  
Kumara Cot Lay-out  
High Grounds  
Bangalore - 560 001
3. The Senior Superintendent of  
Post Offices  
Mangalore - 575 002
4. The Director of Postal Services  
South Kanara Region  
Office of the P.M.G., Karnataka  
Bangalore - 560 001
5. The Post Master General  
Karnataka Circle  
Bangalore - 560 001

6. The Secretary  
Department of Postal Services  
New Delhi - 110 001
7. Shri M. Vasudeva Rao  
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/~~STRAK~~

~~IN PAPER~~ ORDER passed by this Tribunal in the above said application  
on 24-11-87

RECEIVED 3 copies 15/12/87

Diary No. 1528/15/12/87

For Immediate Date: 16.12.87

R. Venkatesh  
DEPUTY REGISTRAR  
(JUDICIAL).

Encl: as above.

RESCD 23/12/87  
2/2/87  
15/12/87  
(PANSIT)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 24th DAY OF NOVEMBER, 1987

Present : Hon'ble Justice Sri K.S.Puttaswamy Vice-Chairman  
Hon'ble Sri L.H.A.Rego Member (A)

Application No. 774/87

A.Ayyappan,  
Assistant Postmaster,  
Head Post Office,  
Mangalore - 575 001. ... Applicant  
( Smt.Yamuna Sridharan ... Advocate )

vs.

1. Senior Superintendent of  
Post Offices,  
Mangalore - 575 002.  
2. Director of Postal Services,  
S.K.Region, O/o the P.M.G.  
Karnataka, Bangalore.  
3. Postmaster General,  
Bangalore.  
4. Union of India,  
represented by its  
Secretary, Dept.of Postal  
Services, New Delhi - 1. ... Respondents  
( Sri M.Vasudeva Rao ... Advocate )

This application has come up before the  
Tribunal today and Hon'ble Justice Sri K.S.Puttaswamy,  
Vice-Chairman made the following :

O R D E R

This is an application made by the  
applicant under Section 19 of the Administrative  
Tribunals Act, 1985 ('the Act').

2. A.Ayyappan, the applicant before us,



born on 7.1.1932 joined service as a L.S.G. Postal Assistant(LSGPA) in the Postal Department on 1.4.52. Prior to 22.4.87 he was qualified to be retired under Rule 56(j)(ii) of the Fundamental Rules(FR).

3. On 22.4.1987 the Director of Postal Services Bangalore('Director') had issued a notice to the applicant proposing to retire him from service with three months under F.R.57(j)(ii) and had retired him from service w.e.f.28.7.87. Hence this application challenging the said order and the consequent order made thereto directing him to vacate the official quarters in his occupation.

4. In justification of the orders, the respondents have filed their reply and have produced their records.

5. Smt.Yamuna Sridharan, learned counsel for the applicant, contends that the applicant who had been permitted to cross the efficiency bar(EB) had an excellent record of service and therefore, there was no justification to prematurely retire him from service under Rule Fr 56(J)(II).

6. Sri M.Vasudeva Rao, learned Additional Central Government Standing Counsel, appearing for the respondents contends that premature retirement of the applicant was found necessary in public interest and there are no grounds to interfere with the same.

7. The order proposing to prematurely retire the applicant does not set out reasons therefor and the



same have necessarily to be ascertained from the records.

8. In accordance with the orders of the Government thereto, a Review Committee consisting of the Post Master General and Additional Post Master General examined the cases of the applicant and several others and expressed the view that his retention in service was not in public interest and he should therefore be prematurely retired from service by the Director under FR 56(J)(ii).

9. Accepting the recommendations of Review Committee, the Director had retired the applicant giving him the necessary notice of three months and had retired him from service on expiry of the stipulated period. The order to vacate the official quarters allotted to the applicant is consequential to the order of retirement. We see no infirmity in any of these orders.

10. We have examined the annual confidential reports of the applicant, for a period of five years prior to his retirement and even earlier. On such an examination we cannot hold that the conclusion of the Review Committee that the applicant had outlived his utility or had become 'dead wood' and that therefore his retention was not in the public interest and consequently he should be prematurely retired from service suffers from any infirmity. If that is so, then we cannot interfere with the impugned orders.

11. Smt. Sridharan prays for atleast three months time from today, for the applicant, to vacate



the official quarters. Sri Rao opposes grant of any further time to vacate the quarters.

12. With due regard to all the facts and circumstances, we consider it reasonable to permit the applicant to occupy the official quarters upto 31.12.1987, on payment of only the standard rent due from him.

13. In the light of our discussion we make the following orders and directions :

(i) We dismiss this application so far as it challenges the impugned orders.

(ii) But notwithstanding the above, we permit the applicant to occupy the official quarters only till 31.12.1987 and direct the respondents to recover only the standard rent from the applicant till then. But if the applicant fails to vacate the same on or before 31.12.1987, it is open to the respondents to evict the applicant in accordance with law and recover such amounts as he is liable to pay thereto from 1.1.1988 and onwards.

14. Application is disposed of in the above terms. But in the circumstances of the case, we direct the parties to bear their own costs.

Sd/-

VICE-CHAIRMAN  
24/11/1987

Sd/-

MEMBER(A) 12/11/1987

an.

- TRUE COPY -



*B.M. Venkatesh*  
DEPUTY REGISTRAR  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE  
15/11/1987