

REGISTERED

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

Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 3 NOV 1988

APPLICATION NO.

1053

/88(F)

W.P. NO.

Applicant(s)

Shri Andanayya Mundaragi  
To

Respondent(s)

V/s The Post Master General, Karnataka Circle,  
Bangalore & another

1. Shri Andanayya Mundaragi  
C/o Shri M. Raghavendra Achar  
Advocate  
1074-1075, Banashankari I Stage  
Sreenivasanagar II Phase  
Bangalore - 560 050
2. Shri M. Raghavendra Achar  
Advocate  
1074-1075, Banashankari I Stage  
Sreenivasanagar II Phase  
Bangalore - 560 050
3. The Post Master General  
Karnataka Circle  
Bangalore - 560 001

4. The Director of Postal Services  
North Karnataka Region  
Dharwad - 580 001
5. Shri M.S. Padmarajaiah  
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 ~~STAY~~ ~~INTERIM ORDER~~  
passed by this Tribunal in the above said application(s) on 26-10-88.

*Issued*  
*K. m. l.*  
*3-11-88*  
*9c*  
SECTION OFFICER

~~DEPUTY REGISTRAR~~  
(JUDICIAL)

Encl : As above

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 26TH DAY OF OCTOBER, 1988

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

APPLICATION NO. 1053/1988

Shri Andanayya Mundaragi,  
major, S/o Channayya,  
Asst. Supdt. of Post Offices,  
(Headquarters),  
Raichur Division,  
Raichur.

..... Applicant

(Shri M. Raghavendrachar, Advocate)

v.

1. The Post Master General,  
Karnataka Circle,  
Bangalore.

2. The Director of Postal  
Services, Dharwad.

..... Respondents.

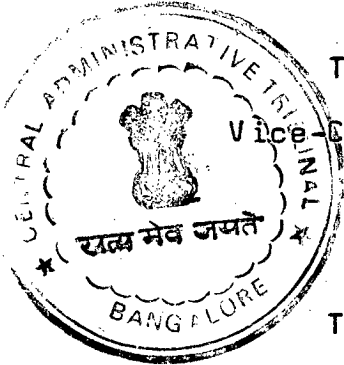
(Shri M.S. Padmarajaiah, C.G.S.S.C.)

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

ORDER

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

2. The applicant born on 1.10.1931 joined service on  
13.8.1954 as a Time-scale Clerk in the postal department of  
Government of India. He was promoted as an Inspector of  
Post Offices in 1969. On 14.10.1985 he was promoted as  
Assistant Superintendent of Post Offices ('ASPO') in which  
capacity he was working from that date. In order No.NKR.VIG/  
STA/16-2 dated 14.4.1988 (Annexure-A), the Director of Postal



Services, Dharwad (Director) exercising the powers conferred on him by clause (J)(ii) of Rule 56 of the Fundamental Rule ('FR') had compulsorily retired the applicant from service with three months' notice under the said Rule. In conformity with this order, the applicant had retired from service on 14.7.1983, on which day itself, he made this application challenging the order of the Director on diverse grounds.

3. In justification of the impugned order, the respondents have filed their reply and have produced their records.

4. Shri M. Raghavendra Achar, learned Counsel for the applicant contends that the compulsory retirement of his client, who was found fit for promotion as ASPO only on 14.10.1985 and was so promoted from that date but on the basis of his service records before that date is illegal and unjust.

5. Shri M.S. Padmarajaiah, learned Senior Central Government Standing Counsel appearing for the respondents sought to support the impugned order.

6. In accordance with the guidelines regulating compulsory retirements, a Screening Committee ('SC') constituted for the purpose, examined the service records of the applicant and submitted its proposals before a Review Committee ('RC'), constituted for that purpose. On an examination of the proceedings of the SC and all the service records the RC in its meeting held on 28.3.1988 opined that the

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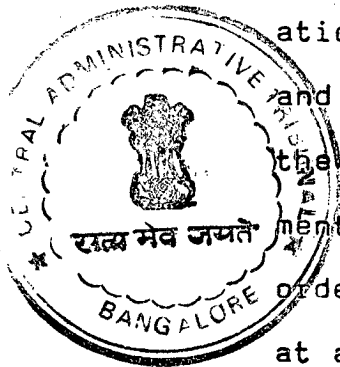
retention of the applicant was not in public interest and therefore he should be retired from service under FR-56J. Accepting the said proposals, the Director by his order dated 14.4.1988 (Annexure-A) had compulsorily retired the applicant from service.

7. We have carefully perused the proceedings of the SC, the RC and the service records of the applicant. Both the SC and the RC have based their proposals only on relevant material. We cannot examine their proceedings as if we are a Court of appeal and come to a different conclusion. On this short ground we cannot uphold the contention of Shri Achar.

8. The promotion of the applicant on 14.10.1985 as ASPD did not take away the power of the authorities to exercise the power conferred under FR-56J. On an evaluation of his service records from 14.10.1985 in particular and his previous records generally, one of the members of the SC and RC had undoubtedly recommended for his retirement with which the Director had concurred and made his order. We see no illegality or impropriety in any of them at all.

9. On any view of the matter, this is not a fit case in which our interference is called for.

10. In the light of our above discussion, we hold that this application is liable to be dismissed. We, therefore, dismiss this application. But, in the circumstances of the case, we direct the parties to bear their own costs.



TRUE COPY

SECTION OFFICER

CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

VICE-CHAIRMAN

MEMBER (A)



केन्द्रीय प्रशासनिक अधिकरण  
अतिरिक्त न्यायपीठ, बंगलोर

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Commercial Complex (BDA)  
Indira Nagar BANGALORE-560 038.

ANo.1053/88(F)

Dt. 20.12.88

To  
Shri. A.C. Mundaragi,  
Sanmati Layout,  
Narayanpur,  
Gharwad

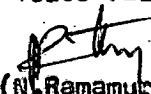
Sub: Sending ~~certified~~ copy of  
Judgment of the Tribunal-

Sir,

With reference to your letter dated 14th Dec'88 I am to inform you that the copy of the judgment dated 26.10.88 in ANo 1053/88 has been issued to the address of your advocate as there is no address of yours in your application.

However a ~~certified~~ copy of judgment is enclosed herewith.

Yours faithfully,

  
(N. Ramamurthy)  
Sectino Officer(Jif)

*Amal*  
*MC*  
*21/12/88*

*17.5.89*  
*13*

*22/12/88*

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BANGALORE

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ADDITIONAL BENCH  
BANGALORE

Sd/-

VICE-CHAIRMAN

Sd/-

MEMBER (A) 26/11/88