

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

Dated: 15 DEC 1993

APPLICATION NO(s) 730 of 1993.

APPLICANTS: R.M.Ganesha Rao

RESPONDENTS: Director, Managalore Telecom
Division, Mangalore & Ors.

TO.

1. Sri.M.Raghavendrachar, Advocate, No.1074 and 1075,
4th Cross, Srinivasanagar IIPhase, Banashankari
First Stage, Opp:Raghavendra Nursing Home,
Bangalore-560 050.
2. The Director,
Telecom, Mangalore Division,
Mangalore.
3. Sri.M.Vasudeva Rao,
Central Govt.Stng.Counsel,
High Court Bldg, Bangalore-1.

SUBJECT:- Forwarding of copies of the Orders passed by
the Central Administrative Tribunal, Bangalore.

-xxx-

Please find enclosed herewith a copy of the
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal
in the above mentioned application(s) on 25-11-1993.


for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*


C. Sreedhar
gm

CETRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

O.A. NO.730/93

THURSDAY THIS THE TWENTY FIFTH DAY OF NOVEMBER 1993

Shri Justice P.K. Shyamasundar ... Vice-Chairman

Shri V. Ramakrishnan ... Member [A]

R.M. Ganesha Rao,
S/o Ramachandra Rao,
Aged about 56 years,
C/o R. Shivaji Rao,
No.4, Shanbhogu Krishnappa Lane,
Chickmavalli, Bangalore-4.

... Applicant

[By Advocate Shri M.R. Achar]

v.

1. The Director Telecom,
Mangalore Division,
Mangalore.
2. The Telecom District Engineer,
Department of Telecommunications,
Karwar.

... Respondents

[By Advocate Shri M. Vasudeva Rao.
Addl. Central Government Standing Counsel]

O R D E R

Shri Justice P.K. Shyamasundar, Vice-Chairman:

1. Heard Shri M.R. Achar learned counsel for the applicant and Shri M. Vasudeva Rao, learned Standing Counsel for the respondents. This application is one wherein the prayer is for expunging certain adverse remarks passed by the reporting authority and confirmed by the superior officer on representation. The applicant belongs to the Telecom Department and at the relevant time was holding the responsible position of a Section Supervisor. For the year 1991 the Reporting Officer made a tally of all the shortcomings of this official and after recording the same in his ACR had the adverse remarks communicated to the applicant. Thereupon the applicant filed a representation which was rejected confirming the remarks after an exhaustive consideration of the



representation made by the applicant. Apart from the fact that there has undoubtedly been an objective consideration of the applicant's representation against the adverse remarks, by the superior authority, the applicant was subsequently retired compulsorily from service and that was before filing of this application.

2. Shri Achar tells us that the applicant has challenged the order of retirement in a separate proceeding in O.A. No. 485/93 which is pending consideration and is due to come up for hearing on 1.12.1993. Shri Achar wanted us to defer consideration of this application on that ground but we think it is not necessary for us to retain this application for the simple reason that the applicant being a retired government servant ~~he has~~ ^{there is} absolutely ~~in his~~ no need to challenge the adverse remarks made against him while ^{being} in service, and there ~~is~~ ^{is} also no need to consider the tenability ~~in his post retirement~~ or otherwise of those remarks. The apprehension of the applicant appears to be that non-success in this application would adversely affect the challenge to the compulsory retirement order. This apprehension is clearly unfounded. The order of compulsory retirement stands ~~totally~~ ^{fully} on its own merits and has nothing to do with the disposal of this application. This application, therefore, stands disposed off as ~~being~~ abortive since the complaint relates to a development that occurred when the man was in service. For the foregoing reasons this application fails and is rejected at the admission stage.

Sd-

MEMBER [A]

bsv

TRUE COPY

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

Sd-]

VICE-CHAIRMAN

15/12/93