

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560038.

Review Application No.45/93 in Dated: 10 SEP 1993

APPLICATION NO(S) 564 of 1993.

APPLICANTS: Chenna Nanumaiah v/s. RESPONDENTS: Senior Supdt. of Post Offices, B'lore West Dvn, B'lore & Ors. TO.

1. Dr. M. S. Nagaraja,
Advocate, No.11,
First Cross,
Second Floor,
Sujatha Complex,
Gandhinagar,
Bangalore-9.

Subject:- Forwarding of copies of the Order passed by the Central Administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/STAY/INTERIM ORDER, passed by this Tribunal in the above said application(s) on 30th August, 1993.

Issued

M. All S

for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: :BANGALORE

DATED THIS THE THIRTIETH DAY OF AUGUST, 1993

Present: Hon'ble Shri S.Gurusankaran, Member (A)

Hon'ble Shri A.N.Vujjanaradhya, Member (J)

REVIEW APPLICATION NO.45/93

Shri Chenna Hanumaiah .. Petitioner
(Dr. M.S.Nagaraja - Advocate)

Versus

The Senior Supreintendet of Post Officer,
Bangalore West Division,
Bangalore AND Others. ... Respondents.

This Review Application filed under section 22(3)(f) of the Administrative Tribuhals Act, 1985 having come up for orders befire this Tribunal today; Hon'ble Shri A.N.Vujjanaradhya, Member (J) made the following:

This Review application filed under section 22(3)(f) of the Administrative Tribunals Act, 1985 read with rule 8 and 7 therein, the Review Petitioner seeks review of the order passed in OA 564/92 on 9.7.93 contending that two important contentions urged by the learned counsel for the Review Peittioner ^{were} ~~was~~ not considered and therefore, it is an error apparant on the face of the record and thus urges for review of the order.

In our view the order passed in OA 564/92



does not suffer from any apparent error on the face of the record as sought to be made out by the petitioner and therefore we deem it proper to dispose of the same by circulation.

3. It is the contention of the learned counsel for the petitioner that before the order passed earlier was kept in abeyance until further orders, without adhering to the principles of natural justice has resulted adversely in affecting the right of the petitioner and therefore, such a course was illegal for non ^{adhering} of principles of natural justice and the said contention was not considered by this Tribunal. In the order passed in the said OA 564/92 specific reference was made to sub rule 6 of FR 54B and on considering the same, it was held that the order dated 28.4.92 came to be passed after acquittal of the applicant in the criminal court, which was apparently a mistake, because of the pendency of the departmental enquiry and therefore to rectify the said mistake the direction in letter dated 1.5.1992 came to be issued. Thus, it is clear that the Tribunal did consider the above contention ^{but} ~~but~~ ^{impliedly} ~~but~~ learned counsel for the petitioner ~~implausibly~~ did not agree with the same.

4. The next contention of the learned counsel for the review petitioner that the applicant was kept under ^{against him} suspension because of criminal case pending and not in view of pendency of disciplinary proceedings and therefore, the ^{acquittal} revocation of suspension after the ~~acquittal~~ in the criminal court was proper, which contention was also considered in paras 4 and 5 of the order. Therefore, there is no error

apparent on the face of the record and thus, there is no merit in this review application. Accordingly we, hereby reject the same.

Sd-

30/8/83

(A.N.VUJJANARADHYA)
MEMBER (J)

Sd-

30/8/83

(S.GURUSANKARAN)
MEMBER (A)

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SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

10/9/83