

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 038.

Dated: 23 MAR 1995

APPLICATION NO. 1066 of 1994.

APPLICANTS: Sri.c.B.Madhava Rao, Bangalore.

V/S.

RESPONDENTS: The Director Postal Services, Bangalore Region,
and two others.,

To

1. Dr.M.S.Nagaraja, Advocate, No.11, Second Floor,
First Cross, Sujatha Complex, Gandhinagar,
Bangalore-560 009.
2. Sri.M.S.Padmarajaiah, Senior Central Govt.
Stng.Counsel, High Court Bldg, Bangalore-1.

Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

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Please find enclosed herewith a copy of the Order/
Stay Order/Interim Order, passed by this Tribunal in the above
mentioned application(s) on 15-03-1995.

Issued on

23/03/1995

skm
for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: :BANGALORE

ORIGINAL APPLICATION NO.1066/94

WEDNESDAY, THE FIFTEENTH DAY OF MARCH, 1995

SHRI V.RAMAKRISHNAN.
SHRI A.N.VUJJANARADHYA.

... MEMBER (A)
... MEMBER (J)

C.B.Madhava Rao,
Aged 50 years,
S/o Sri C.S.Balaji Rao,
C-IV-7, Ground Floor,
P&T Staff Quarters,
Kavalbhyrasandra,
Bangalore-560 032.

... Applicant

By Advocate Dr. M.S.Nagaraja.

Versus

1. The Director,
Postal Services,
Bangalore Region,
Bangalore-560 001.

2. The Director General,
Department of Posts,
New Delhi-110 011.

3. Union of India,
represented by Secretary to
Government, Ministry of
Communications, Department
of Posts, New Delhi.

... Respondents

By S.C.G.S.C. Shri M.S.Padmarajaiah

+

O R D E R
Shri V.Ramakrishnan, Member (A)

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The applicant herein is aggrieved by the action
of the department in compulsorily retiring him from
service under rule 48 of C.C.S.(Pension) Rules by its
order dated 18.5.94 as at Annexure A3.



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2. We have heard Dr. Nagaraja for the applicant and Shri M.S.Padmarajaiah for the respondents.

3. It is urged in support of the application that on the date the order at Annexure A3 was issued, the applicant had not completed 30 years of qualifying service, even though the order stipulates that he was to retire only after three months from the date of the order, which would be on 18.8.94 by which time the applicant would have completed the requisite qualifying service. Dr. Nagaraja further submits that the department has found him fit to be given TBOP promotion on 2.2.94 as seen at Annexure A1 and their action to invoke Rule 48 within a few months thereafter was wholly arbitrary. Shri Padmarajaiah for the respondents submits that even though the order as at Annexure A3 was issued on 18.5.94 when the applicant had not completed 30 years of qualifying service it required that the applicant would be retiring only on 18.8.94 when he completes the requisite qualifying service and that this action is not contrary to the rules.

4. We find that the issued raised herein is already covered by our order dated 12th December, 94 in OA 790/94. In the present case also the contention that has been raised is that apart from the order at Annexure A3 having been issued prior to the completion of 30 years of qualifying service, the action

12

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of the department in invoking rule 48 is not justified when the department assessed him a few months earlier and found him fit for promotion. No satisfactory reason is forthcoming to explain this anomaly.

5. Following the view taken by us in OA 790/94, we hold that this application deserves to be allowed. We accordingly quash the order at Annexure A3 prematurely retiring the applicant from service and direct the department that the applicant should be reinstated in service with all consequential benefits. The department will implement the directions within one month from the date of receipt a copy of this order.

6. With the above observation, the application is finally disposed of with no orders as to cost.

Sd/-

15/3/95
(A.N.VUJJANARADHYA)
MEMBER (J)

Sd/-

15/3/95
(V.RAMAKRISHNAN)
MEMBER (A)

TRUE COPY



23/3/95
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

23/3/95