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CONTEMPT APPLICATION NO.26 OF 1987
IN
ORIGINAL APPLICATION NO.7 OF 1987.

ORDER OF THE TRIBUNAL

This Contempt Application is filed for disobeying the stay orders of this Tribunal in O.A.No.7 of 1987. The OA 7 of 1987 was admitted on 7-1-1987. The applicant who is a LSG Postal Assistant was given a notice dated 23-10-1986 under Rule 56(j) of the Fundamental Rules stating that he shall retire from service on the Forenoon of the day following the date of expiry of 3 months computed from the date following the date of service of the notice. The application was admitted on the ground that the applicant had stated that the authority competent to impose the order under Rule 56(j) of the Fundamental Rules had not passed the said order. Consequent on admission of the application, the impugned order passed by the Senior Superintendent of Post Offices, Bhimavaram Division was stayed. Despite the stay, the Director of Postal Services, A.P., North Eastern Region, Visakhapatnam without cancelling the earlier impugned order dated 23-10-1986 issued another notice dated 27-7-1987 ordering retirement of the applicant under Rule 56(j) of the Fundamental Rules. Consequently, the applicant was retired from service on 31-10-1987. In reply to the notice issued in

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Contempt Application, the respondent stated that he had obtained a legal advise and he was informed that a fresh notice of premature retirement may be issued under the signature of the Director of Postal Services. Accordingly, he had issued a fresh notice dated 27-7-1987 directing that the applicant shall retire on the Forenoon of the date following the date of expiry of 3 months. It is stated that there is no intention to disobey the orders of the Tribunal. He also expressed regrets that due to mistaken impression that the orders were legal and proper, he had passed the same in good faith and honest belief.

2. We have heard the learned Counsel for the applicant Shri K.S.R.Anjaneyulu and Standing Counsel for the Central Government Shri K.V.Subba Rao. The learned Counsel for the department states that subsequent order dated 27-7-1987 was issued by the respondent in the Contempt Application is being withdrawn. In view of the expression of the regret by the concerned officer, the contempt application is dropped.

B.N.Jayasimha
(B.N.JAYASIMHA)

Vice Chairman

D.Surya Rao
(D.SURYA RAO)

Member(Judl.)

Dated: 18th December, 1987.

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vsn

Deputy Registrar
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