

ORIGINAL APPLICATION NO.7 of 1987ORDER OF THE TRIBUNAL

In this application the applicant seeks to question the memo No.C/Retention/Q.Stt. dated 23-10-1986 issued by the Senior Superintendent of Post Offices, Bhimavaram Division directing retirement of the applicant under Rule 56(j) of the Fundamental Rules. The Department had admitted that the Senior Superintendent of Post Offices had no jurisdiction to issue a fresh order dated 27-7-1987. Thereupon, the applicant filed a Contempt Application which we have disposed off to-day.

2. We have heard the arguments of 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 the order dated 27-7-1987 was proceeded on the basis that the earlier order of the Senior Superintendent of Post Offices, Bhimavaram Division dated 23-10-1986 was without jurisdiction. In the circumstances, since the department itself treated the order dated 23-10-1986 as without jurisdiction, it follows that it is no longer in force.

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Shri K.V. Subba Rao represents that both the orders do not exist and this action has been taken while the case is still pending and such action will exist after disposal of this application. The department is at liberty to take further action in this matter according to law. The application is disposed of as having become infructuous. There will be no order as to costs.

*B.N.Jayasimha*

(B.N.JAYASIMHA)  
Vice Chairman

*D.Surya Rao*

(D.SURYA RAO)  
Member (Judl.)

Dated: 18th December, 1987.

*VSN*

*S. Venkateswaran*  
Deputy Registrar  
n.s.(Judl.)

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*DR*