

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

O.A.No.1079/91

Date of the Order 12.12.1991

BETWEEN:

R.Narasimhulu,
 Postal Assistant(Retired),
 Sirpur-Kagaznagar,
 Adilabad Dist.

.. Applicant

AND

1. The Superintendent of Post Offices,
 Adilabad Division,
 Adilabad.
2. The Director of Postal Services,
 Hyderabad Region,
 Hyderabad.
3. Union of India
 represented by Secretary,
 Department of Posts,
 Government of India,
 New Delhi.

.. Respondents

Counsel for the Applicant

.. Mr.S.Ramakrishna Rao

Counsel for the Respondents

.. Mr.N.R.Devraj, ^{Addl Case}

CORAM:

Hon'ble Mr.R.Balasubramanian, Member(Admn)

Hon'ble Mr.T.Chandrasekhar Reddy, Member(Judl)

This is a Petition filed by the applicant who was working as a Postal Assistant, Sirpur-Kagaznagar, Adilabad, to set aside the order of Compulsory Retirement dated 11.10.1991 passed against the applicant by the Director of Postal Assistant who is the Second respondent herein.

2. This applicant had been, originally, compulsorily retired on 13.6.1990. He had filed two OAs before this Tribunal questioning the said orders of Compulsory

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Retirement. We are not concerned now with the said two OAs. We are concerned now with the Third OA which is O.A. 624/90 filed by this applicant for setting aside the Compulsory Retirement order dated 13.6.1990. The said OA 624/90 was disposed of by this Tribunal as per orders dated 6.8.1990. While disposing the said O.A. 624/90 on 6.8.1990 this Bench directed the respondents to reinstate the applicant on duty and further directed that the said Judgement dated 6.8.1990 passed in O.A. 624/90 did not preclude the Competent Disciplinary Authority from considering the disciplinary case against the applicant on merits from the stage of setting aside the order of penalty imposed on the applicant and to pass appropriate orders according to law. In view of the said directions dated 6.8.1990 passed in O.A. 624/90 the Disciplinary Authority which is the Second respondent in this OA had again passed the order of Compulsory Retirement dated 11.10.1991 against the applicant as already indicated. It is the said order that is in question in this OA.

3. We have heard Mr.S.Ramakrishna Rao, Advocate for the applicant and Mr.NR.Devraj, Advocate for the respondents. It is brought to our notice that the applicant had approached this Tribunal without preferring any representation before the Appellate Authority against the Compulsory Retirement order dated 11.10.1991 passed against him. After careful consideration of the matter we are of the opinion that interests of the Justice would be better served if this application is disposed of at the admission stage itself by giving appropriate directions to the respondents.

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4. Hence we permit the applicant to make a representation by way of Appeal against the Compulsory Retirement order dated 11.10.1991 passed against him by the Second respondent, to the Competent Authority, within a week from the date of receipt of this order. We further direct the Competent Authority to receive the said representation preferred by the applicant against the Compulsory Retirement orders passed against him, dated 11.10.1991, and decide the said representation finally within 3 months thereafter, i.e. within 3 months after the said representation is presented by the applicant to the Competent Authority. The applicant would be at liberty to approach this Tribunal once again if he continues to be aggrieved by the final orders passed by the Competent Authority. No order as to costs.

R. Balasubramanian
(R. BALASUBRAMANIAN)

Member (Admn)

T. Chandra Sekhar Reddy
(T. CHANDRA SEKHAR REDDY)

Member (Jud1)

Dated: 12 December, 1991.

Deputy Registrar (J)

23/12/91

To

1. The Superintendent of Post Offices
Adilabad Division, Adilabad.
2. The Director of Postal Services, Hyderabad Region, Hyderabad.
3. The Secretary, Department of Posts, Union of India,
Govt. of India, New Delhi.
4. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT.Hyd.
5. One copy to Mr. N. R. Devraj, Addl. CGSC, CAT.Hyd.
6. One spare copy.

pvm.

23/12/91